

Also, the petition of 9 citizens of Jefferson County, Iowa, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The petition of engineers in the United States revenue service, that assistant engineers be duly commissioned as such, to the Committee on Commerce.

By Mr. SMART: The petition of J. M. Warren, Thomas Coleman, and others, of Troy, New York, against further inflation of the currency and for a resumption of specie payment, to the Committee on Banking and Currency.

By Mr. SMITH, of Ohio: The memorial of citizens of Hamilton, Ohio, in relation to legalizing the reissue of the legal-tender reserve, to the Committee on Banking and Currency.

By Mr. WOODFORD: The petition of Henry Wolfert and 30 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. —: Resolutions of the Legislature of New York, in relation to inflation of the currency through the further issue of circulating notes by the Government or by national banks, and transmitting a copy of the message of the governor of the State of New York to both houses of the Legislature on the subject, to the Committee on Banking and Currency.

IN SENATE.

WEDNESDAY, April 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes; in which the concurrence of the Senate was requested.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain of the Fourth Regiment of Infantry of the Army of the United States, in the register, rolls, and records of the Army, to John Laube de Laubenfels;

A bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land of the White Earth Indian reservation in Minnesota;

A bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy; and

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

The message further announced that the House had passed the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots;

A bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels;" and

A bill (S. No. 192) for the relief of Siloma Deck.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 2899) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places—to the Committee on Finance.

The bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota was read twice by its title.

The PRESIDENT *pro tempore*. This bill will be referred to the Committee on Public Lands.

Mr. RAMSEY. The Committee on Public Lands have reported a bill identically like that; and if the Senate would consent, I should like to have it considered and passed now.

Mr. EDMUNDS. Let the House bill be laid aside until we get through with the morning business.

Mr. RAMSEY. Very well.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented the petition of William R. Brown, of Metropolis, Massac County, Illinois, praying the payment of the proceeds of certain cotton, amounting to \$38,000; which was referred to the Committee on Claims.

Mr. SCOTT presented the petition of the Zoological Society of Philadelphia, praying that importations of animals for that society, which are to be used solely for recreative and scientific purposes and not in anywise for pecuniary profit, may be exempt from the payment of duties; which was referred to the Committee on Finance.

Mr. HAMILTON, of Texas, presented the petition of Arthur Connell, of Houston, Texas, with accompanying papers, praying relief in the matter of rents received by the United States from his property in the city of Memphis, Tennessee, and appropriated for public use; which was referred to the Committee on Claims.

Mr. SCHURZ presented additional papers pertaining to the application of Sarah E. Ballantine, of Boonville, Missouri, praying compensation for property destroyed by order of General Lyon; which were referred to the Committee on Claims.

Mr. CONKLING presented a memorial of the Buffalo Board of Trade, in favor of the removal of the obstructions in the Saginaw River, at Carrolton bar; which was referred to the Committee on Commerce.

He also presented the petition of Mary Jane Loonie, widow of James A. Loonie, late of the Eighty-eighth New York Volunteers, praying a modification of the pension laws so as to allow her to contract and pay such fees as she thinks proper; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT. The Committee on Claims, to whom was referred the memorial of Jesse Warren and Joseph A. Moore, asking compensation for a building taken for the use of the Army, near Nashville, Tennessee, have instructed me to report a bill for their relief. We adopt in this case a report made at a previous session, which has been printed. I do not therefore ask for the printing of the report.

The bill (S. No. 701) for the relief of Warren & Moore, Nashville, Tennessee, was read and passed to the second reading.

Mr. SCOTT. The Committee on Claims instructed me to report back the petition of G. A. Henderson, praying payment of his salary as a clerk in the Treasury Department while suspended by order of the Secretary from January 25, 1864, to May 18, 1865, with the recommendation that it ought not to be allowed. I move the adoption of the report, and that it be printed.

The motion was agreed to.

Mr. SCOTT, from the Committee on Claims, to whom was referred the memorial of Frederic A. Holden, praying for remuneration for property destroyed in Ceredo, Wayne County, West Virginia, by United States soldiers during the late rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the memorial of Ellen Call Long, praying for payment of the claim of the heirs of Richard K. Call in accordance with a judgment of the United States court of Florida, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 113) for relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 702) for the relief of Marie P. Evans, executrix and legatee of S. Duncan Linton, deceased, and to refer her claim to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) authorizing the proper accounting officers of the Treasury to revise and adjust the accounts of James C. Pickett as chargé d'affaires to Peru; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) for the relief of the officers and men of the United States Army who were sufferers by the wreck of the bark Forrest; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FENTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 705) to extend letters-patent to Henry G. Bulkley; which was read twice by its title, and referred to the Committee on Patents.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) to amend an act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States;" which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 707) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN MISSOURI.

Mr. BOGY. I move that Senate bill No. 32 be taken up. It is a very important bill, I will state to the Senate.

Mr. PRATT. I object. I am very desirous of having the Calendar called. The morning hour was taken up yesterday in the consideration of a special bill.

The PRESIDENT *pro tempore*. The Senator from Missouri makes his motion; and the bill will be read for information, after which the question will be submitted to the Senate.

The Chief Clerk read the amendment proposed by the Committee on Private Land Claims as a substitute for the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes.

Mr. EDMUNDS. What committee reported that?

The PRESIDENT *pro tempore*. The Committee on Private Land Claims.

Mr. EDMUNDS. When?

The PRESIDENT *pro tempore*. On the 3d of March.

Mr. BOGY. I will state for the information of the Senate that this bill was reported by the Committee on Private Land Claims unanimously, and has also received the approbation of the Commissioner of the General Land Office; and it involves no appropriation or donation of land. The only object is to do away with the necessity of issuing patents; and the necessity for it grows out of a decision of the Supreme Court, made recently, to the effect that our statute of limitations does not begin to run until the patent issues. That decision is not in accordance with the legal opinion of the bar of my State for the last forty years; and patents in very few cases have been issued, we deeming that the confirmation was sufficient and had passed the entire title of the United States. Under the decision of the Supreme Court, as long as the nominal legal title remains in the Government, the limitation provided by the law of the State does not begin to run. The consequence is that a very wide field of litigation is thereby opened. The object of this bill is to close that field of litigation. It involves no appropriation, or donation, or grant of land.

Mr. EDMUNDS. I wish the Senator from Missouri would let this bill go over until to-morrow. I think it ought to lie over. I think Senators ought to investigate it. I am bound to say for one, if it is of any advantage to the Supreme Court that I should say so, that I think they decided the question to which the Senator refers correctly, because it is a well-understood principle of jurisprudence that the statute of limitations does not run against the Government, and until the patent issues the title is in the Government, and therefore no adverse occupation could oust that title.

But now this bill seems to provide—of course we cannot at present discuss its merits, and it may be that I misunderstand its provisions, having just heard them read for the first time—that any occupant adverse to the United States shall have the benefit of the effect of the statute of limitations as between private persons, and we release to him any equity that would have been his had our title been a private one in every case in which any officer of the Government under a statute, whether in conformity with it or not, has taken a step which seemed to indicate that the man had or was about to have a title.

It may be that I misunderstand its provisions. It needs careful examination. I hardly suppose that the honorable Senator desires to go that far, because if he does it would in effect be declaring that every adverse occupant who claimed against the United States under a color of title, however defective and unfounded it might be in point of law or in point of merit, should have the statute of limitations operate in his favor against the United States, to the great injury of the public revenues it may be. But it may be that it does not bear that construction. Of course I cannot discuss it on this motion. I want to say to the honorable Senator that I wish it might go over until to-morrow that I may have an opportunity to look at it.

Mr. BOGY. The Senator from Vermont misunderstands the purport of the bill.

Mr. PRATT. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Indiana will state his point of order.

Mr. PRATT. The point of order is that when the Senator from Missouri asked that the bill might be taken up in the morning hour I objected; and the Chair ruled that the bill should be read for the information of the Senate. It has been read. I now renew my objection. I dare say the bill is all right; I make no opposition to it; but it is a bill on the Calendar, and there are a great many like bills on the Calendar that deserve consideration just as much as the one now presented.

The PRESIDENT *pro tempore*. The Senator from Missouri made a motion that the Senate proceed to the consideration of this bill and therefore a single objection did not defeat it. The Chair ordered the bill to be read for information, and said to the Senator from Indiana that the Chair would then submit the question to the Senate.

Thereupon the Senator from Missouri made a certain statement as to the nature of the bill and the Senator from Vermont asked a certain question. The pending question now is, Will the Senate proceed to the consideration of this bill? which is subject to debate, limited by the rule that the merits shall not be discussed.

Mr. BOGY. I will relieve the Senator from Indiana of any trouble on that subject. The Senator from Vermont desires to examine the bill, and I have no objection to giving him time to do so. I shall call up the bill to-morrow morning. I withdraw the motion now.

DISTRICT PUBLIC-SCHOOL TEACHERS.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PRATT. I object.

The PRESIDENT *pro tempore*. Then the question is on the motion of the Senator from Alabama to proceed to the consideration of the bill.

Mr. BOREMAN. The Senator from South Carolina [Mr. ROBERTSON] has gone home for a few days, and before going he wished me to say that he desired to speak to this bill and would be glad that it should be laid over until his return. He will be back in three or four days, I presume. I make this statement at his request.

Mr. SPENCER. I desire to state that there is a pressing necessity for the passage of this bill. There is great destitution among the teachers. The taxes which were intended for their payment have been appropriated for other purposes, and many of them are in a starving condition. The Senator from South Carolina objected to the bill in committee, but I do not think he would press his objection on more full consideration.

Mr. MORRILL, of Vermont. I really think something ought to be done with this bill. It ought not to be delayed. I do not know that it is in precisely the shape in which it ought to pass; but at all events it seems to me that we ought not to shirk the consideration of the question. I trust we will take it up and consider it this morning.

Mr. BOREMAN. I do not wish to be understood as objecting to the bill myself. I am yielding to the request of my friend who has gone home. I have discharged that duty.

Mr. CONKLING. How long will he be gone.

Mr. BOREMAN. A short time.

Mr. CONKLING. Two or three weeks?

Mr. BOREMAN. I think not. I think he will be back in a few days.

Mr. CONKLING. I hear a Senator on my left say that the absent Senator is likely to be gone two or three weeks. If that be so, or anything like it, I think the Senator from West Virginia cannot base his interposition upon the ground of courtesy. The Senator from Vermont has said what I should have said if he had not spoken. It seems to me, without speaking of the particular form or effect of the present bill, as to which I am not advised, that it is manifestly our duty to dispose of this question in some way or other and not to allow it to stand for two or three weeks unless for some very special reason such as I think has not been assigned. There is a great injustice, a great hardship, and a great dereliction of duty somewhere involved in the existing state of facts as they are given to me. If this bill is not the proper measure, let us dispose of it and vote it down and have some measure that is, and if it shall turn out that there is no action incumbent upon us when we consider it, we shall stand acquitted of our duty; but I submit that we ought, and ought now as the motion is made, to take up this subject and consider it and dispose of it one way or the other.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

The bill appropriates \$97,740.50, out of any moneys in the Treasury not otherwise appropriated, for the payment of teachers in the public schools in the District of Columbia from the 1st day of September, 1873, to the 1st day of March, 1874; and authorizes and directs the government of the District of Columbia to levy and collect a tax to an amount equal to the amount appropriated in the act, upon personal property, including banks and other corporations in the District, and pay the same into the Treasury of the United States. The money hereby appropriated is to be disbursed under the supervision of the Commissioner of Education.

Mr. THURMAN. These teachers have been unpaid from the 1st of last September, if my memory is correct. Under the law as it now stands, the real-estate owners of the District of Columbia defray the entire expenses of the public schools, although a large portion of the children who attend those schools are children of the employees of the Government who own no property whatsoever in this city.

This bill proposes to advance out of the Treasury of the United States a sufficient sum to pay those teachers, the Treasury to be re-

imbursed by a tax on the personal property within the District. My own judgment is that when this matter shall come to be properly investigated, it will be no more than just that the General Government, which has never contributed anything in lands or money for purposes of common-school education in the District, should bear some portion of the burdens of those schools. This bill, however, does not provide for the Government of the United States bearing any such portion of the burden, but simply to advance a certain amount of money to be reimbursed to the United States to relieve the present necessity. It is a very weak measure indeed; I would go for a stronger measure.

Mr. SHERMAN. Strike out that portion of the bill which provides for levying a tax.

Mr. THURMAN. No, I think it is best not to amend the bill. I have only to say that it does not go as far as I am willing to go in favor of common schools in the District. I can vote for the bill, however, although I do not think it goes far enough.

Mr. MORRILL, of Vermont. I do not rise to oppose the bill. I am in favor of making the appropriation; but there is a difficulty in reference to the practical operation of the bill. Heretofore, as I am informed, there has never been any system by which personal property has been assessed and taxed in this District. This bill proposes, therefore, to start an entirely new system of taxation by which this \$97,000 shall be raised. I do not know whether there are any data upon which the District government can act to carry this bill into practical effect. I know of no assessment that has been made of personal property that can be reached practically. I merely suggest this point without offering anything by way of amendment.

Mr. SPENCER. I will say to the Senator from Vermont that the Committee on the District of Columbia have referred that matter to a sub-committee, and they are preparing a bill in reference to a future taxation for school purposes which will obviate the necessity of such a bill as this coming before Congress again.

Mr. THURMAN. There is the trouble suggested by the Senator from Vermont. Since the present government of this District has been inaugurated an assessment of personal property has been made with a view to taxation. It cost I think, according to the testimony that has been given before the investigating committee, something like \$40,000 to take that assessment. No tax has ever been levied under it; but the taxes of this District are levied wholly upon real estate, according to the idea of some political economists that nothing but real estate ought to be taxed and that personal property ought to be wholly exempt from taxation. This District is the only place in the United States that I know of in which that theory of political economy prevails.

Mr. MORRILL, of Vermont. The theory prevails, I will inform the Senator from Ohio, in New York. They have a gentleman there who has promulgated the theory and enforces it, and with the idea that it is to become the universal practice of civilized nations. I refer to David A. Wells.

Mr. THURMAN. I do not propose to discuss that question. It is a very great question. I think, however, it will be found that in New York there is some taxation of personalty; but I am not sure how that is, and I do not want to go into it.

Mr. CONKLING. I wish to decline the honor which the Senator from Vermont is disposed to confer on New York. The gentleman he refers to is a Connecticut man, a man of great learning, but I did not know that he had enforced his views in New York. He has published them to the world; and as everybody in New York reads everything, of course his views have been read in that State.

Mr. THURMAN. Well, Mr. President—

Mr. MORTON. Let me suggest to the Senator that we have been informed very often on this floor that political economy was an exact science, a thing about which there could be no mistake.

Mr. THURMAN. I did not say so, and so the Senator had no occasion to interrupt me with such a smart remark. I desire that when my friend from Indiana wants to air his logic or have a tilt with any one he throw down his gauntlet to the man who has given the challenge, not to me. I think we have had sufficient evidence in the Senate, where there have been so many political economists, that all sorts of theories of political economy can obtain even in the Senate of the United States, and some of them very strange notions too.

Mr. MORTON. Yes; I have heard a good many myself.

Mr. THURMAN. But, sir, that is not the thing. There is the difficulty that the Senator from Vermont speaks of. An assessment of personal property will become necessary in order to execute this law; but the money that this bill advances can be paid, and, as is suggested by the Senator from Alabama, a law can then be passed to provide for executing the other part of the bill, which will create the machinery.

Mr. STOCKTON. I voted to take this bill up for the reasons given by the Senator from New York. I am entirely in favor of Congress advancing the money at present to pay the teachers of the District schools, but there is a provision in the bill which the committee who reported the bill have not explained. I am told—not being upon the committee, of course I do not know it to be true—that a tax has been levied for this purpose on the real estate of the District. And now the proposition is made that the Government of the United States shall advance this money out of the Treasury, and a clause is put in the bill that the Government is to be reimbursed through a tax on personal property in the District. That involves another question

besides that which has been raised, as to whether we should tax personal property or not. If you have taxed an owner of real property for this purpose and that tax has not been collected, then to ask the Government of the United States to advance this money and in the same bill order that the tax be levied on personal property, when the other tax has not been collected which was to cover this sum, may be a very bungling way of doing it. I do not know whether the statement I have made is correct, but I am told it is; and I submit that while I am in favor of this bill so far as the appropriation by Congress is concerned, and while I may be in favor of the suggestion made by the Senator from Ohio that Congress itself should do something toward the schools in this District, yet at the same time it ought to be made clear by some written report or by some direct and positive statement from this committee what is the meaning of the clause relative to an assessment on personal property. I should like to have the question answered whether a tax for this purpose has been heretofore levied on the real estate of the District and whether it ever has been collected.

Mr. SPENCER. In answer to the Senator from New Jersey I desire to state that this bill originated in the House of Representatives in order to relieve the pressing necessities of the teachers of the public schools of the District of Columbia. Our committee concluded not to amend this bill; but we referred the subject of taxation to a sub-committee, and they are now preparing a bill to obviate the objections the Senator has suggested. A tax was levied for this purpose, and I suppose collected, but owing to the laxity of the law the money has been misappropriated. These school-teachers are in a suffering condition.

Mr. STOCKTON. The Senator need not enlarge upon that. I presume that fact is known to every Senator; I have heard no Senator deny it. Therefore it is not necessary to enlarge on the condition of the school-teachers; nor do I think it is necessary to enlarge on the fact that we ought to go forward and grant this money. But I think that the better way to carry the object of this bill speedily into effect is to strike out that portion of the bill authorizing a tax to be levied, when it is admitted that a tax for this purpose has been already levied and perhaps collected. Some provision might be made leaving it in our power to direct a tax to be levied on personal or real property hereafter to reimburse this advance or to take such other course as we may think best hereafter. But to pass a bill levying a certain tax on personal property now is unequal and unfair; for you will see that, when the owner of real and personal property has had this tax already levied upon him on his real property, if now you tax that owner on his personal property alone you tax him a second time. It is incongruous to levy this tax without some explanation or understanding of what its effect is to be. It is no doubt creditable to the committee that they desire to get through this bill to relieve these suffering people, and they no doubt thought it would secure them relief more speedily to pass the bill just as it came from the House; but I think that is not wise. I think if we amend the bill properly the amendment will receive the prompt concurrence of the House, and secure relief as quickly as if we put the bill through in its present shape.

Mr. SHERMAN. The answer to the Senator from New Jersey is that this bill does not levy a tax.

Mr. STOCKTON. It directs it to be levied.

Mr. SHERMAN. As a matter of course until another law is passed there will be no tax levied on personal property. I look on that portion of the bill as simply nugatory. This is a little bill for the relief of school-teachers suffering for want of pay, and I think we ought to pass it. Whether that clause is in the bill or not does not matter one particle, for as a matter of course in order to levy a tax on personal property there must be the consent of Congress or the action of the local Legislature. That is a subsequent thing. The money will be paid out of the Treasury of the United States as soon as the bill passes, and then whether a tax is levied or not will depend on the future action of Congress.

Mr. STOCKTON. If the Senator from Ohio is right in that proposition, then these words are mere surplusage. I do not think he is. I should like to have the bill read again, and I ask that Senator himself to listen to it. I understood it, hearing it read only once, to be a direction to levy this tax on personal property, and when the money was levied to pay it into the United States Treasury.

Mr. SHERMAN. It is a simple direction that a tax on personal property shall be levied to reimburse this money. That is all of it; and Congress may do as it pleases about that hereafter. After all, it amounts simply to an appropriation of money to relieve an immediate necessity, to which probably some one in the House has added this provision in order to facilitate its passage.

Mr. CONKLING. If the Senator from Ohio is right, it is an entire relief from the objection made by the Senator from New Jersey. I wish the Senator from Ohio was right; but I think if he listens to the language of the bill he will be a little shaken in his impression. Let me read the words:

And that the government of the District of Columbia is hereby authorized and directed to levy and collect a tax to an amount equal to the amount appropriated in this act upon personal property, including banks and other corporations in the said District, and pay the same into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education.

I understood the Senator from Ohio to say that this is a mere shadowing forth that Congress in the future will levy and collect a tax.

If that be the whole purpose of the words, it seems to me they are unfortunately strong. I can hardly see how a more specific direction could be laid upon the government of the District than is found in the words declaring "that the government of the District of Columbia is hereby authorized and directed."

Mr. SHERMAN. I will ask my honorable friend has Congress the power to direct a legislative body what law to pass? We have absolute jurisdiction over the District. We can pass a law to levy this tax; but we cannot pass a law to direct the Legislature to do it. They must be governed by their own discretion as to what is just. It seems to me that while we, having power on the subject, may pass a law that will accomplish the intent declared by the House in this bill, yet we cannot tell the District Legislature that they shall levy a particular form of tax or pass a certain kind of tax bill. The members of the Legislature may say "we will vote as we feel on that bill," and they might refuse to pass the very bill that you require them to pass. Then Congress, as a matter of course, would have power to step in and pass such a law itself.

Mr. CONKLING. The Senator from Ohio may be speaking now with particular reference to the provisions in the organic act setting up the District government, and that act may be such in its nature as to warrant all he says; and if it be so I yield to his suggestion. Congress has power to make all needful rules and regulations for the Territories. In practice, a territorial government is created; the Legislature, which is a part of that government, has the power to pass statutes, subject to the approval or disapproval of Congress reserved in the organic act. In such a case as that, it seems to me, the Senator from Ohio would be warranted in the suggestion he makes. If it be true that the organic act here commits *in toto* to the District Legislature all legislative power, reserving nothing except the right of Congress to disapprove what that Legislature may do, then I think the Senator is right in saying that there would be grave doubt at least whether a provision like this would so modify or change the law as it stands as to operate itself imperatively and necessarily in effecting the levying and collecting of a tax. I still think, however, that in the presence of this statute, unless you assume that the District government first have the right, and second that they would be contumacious in exercising the right to refuse to do what good faith required they should do—I think these words import very much of that which the Senator from New Jersey attributes to them.

Now, Mr. President, I leave this subject with one remark, which I beg to make especially to my friend from Ohio. This is an advance made by Congress to the District government. It savors, therefore, of a contract in its nature; the District allowing Congress to advance the money accepts it, or the debtors of the District with the privity of the District government accept it; and the act which makes the advance contemplates, presupposes, and as far as we have the power requires, that they shall lay this tax. Could anybody say that the District government could with good faith hereafter fall upon that independence which the Senator from Ohio speaks of as possessed by a Legislature and say, each man for himself, "I vote on my own conscience and my own oath; I refuse to vote any tax here, I do not care what Congress says about it?" Would not the District government thus put itself very much in the attitude of a man who accepted from another money, and money in trust and upon an agreement, and having received the money should turn around and say, "Friend, you are tiresome; I do not regard this agreement; I have taken your money, but I decline to do anything which is incumbent upon me to secure its return?"

Mr. STEWART. I might let this provision pass unchallenged; I do not like to obstruct any benevolent effort that may be made to pay these teachers; but this requirement that "the government of the District of Columbia is hereby authorized and directed to levy and collect a tax to an amount equal to the amount appropriated in this act, upon personal property, including banks and other corporations in the said District, and pay the same into the Treasury of the United States," would, if carried out, cost more than \$100,000, or \$200,000 probably. To provide a system for levying and collecting this tax on personal property in this District would cost a great deal more than the amount appropriated in the bill. It would involve a large sum to officers, and further complicate the affairs of the District of Columbia. It is certainly very vicious legislation. If personal property is to be assessed and taxes collected on it, we must have a system under which it can be done. Somebody must provide a system, either Congress or the District government.

Now, I hope that that clause will be stricken out from the bill. In reply to the point of the Senator from Ohio, that the Legislature of this District might or might not obey it, I will say that I think the suggestion is not well founded. I move to strike out the provision requiring the District government to levy a tax.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to amend the bill by striking out all after "1874" in line nine.

Mr. STEWART. I doubt whether the Legislature of the District of Columbia has independent jurisdiction, as has been suggested. In fact I doubt whether it has any jurisdiction at all, or whether Congress has the power to grant it any jurisdiction, or whether there is any such thing as a Legislature in the District of Columbia with any vitality under the Constitution of the United States. Congress is clothed by the Constitution with power—

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States.

The power of Congress is "to exercise exclusive legislation." That is as strong as language could make it. If it was only that, there might, perhaps, be an argument; but it seems to me that the last clause of that section of the Constitution interprets the first so that its meaning cannot be misunderstood. The last clause of this section is:

And to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Now, would it be competent for Congress in a fort to organize a Legislative Assembly to govern the fort? If it would, then it would be competent for it to organize a Legislative Assembly to govern the District of Columbia, for it is "like authority." Exclusive legislative authority was conferred upon Congress over this District, the power being "to exercise exclusive legislative authority." Some question has been raised when legislative authority existed by the constitutions of several States in the Legislature whether it could be delegated to councils, &c.; but I apprehend that where the exclusive power of legislation is granted to Congress, Congress itself must exercise that power and cannot delegate it at all.

Mr. MORTON. Your argument then is, that the whole District government is unconstitutional?

Mr. STEWART. So far as it delegates the power of legislation, I have come to that conclusion. I have been investigating that subject and have come to that conclusion; and before that question is examined, I would not call on this Legislature to do any other act; certainly I would not call on the Legislature to devise a system of taxation upon the personal property of the District for the purpose of raising \$100,000 and set all that machinery at work, expensive as it must be. It is perfectly competent for Congress, having appropriated this \$100,000, to provide that it shall be reimbursed by taxation of the District. We have the power to do it and can provide the means; but in advance of any machinery, to put a law on the statute-book requiring the District government to inaugurate this system, which must be wasteful, cumbersome, and further involve the District in uncertainty, I think would be most unwise.

Mr. STEVENSON. May I ask the Senator a question?

Mr. STEWART. Certainly.

Mr. STEVENSON. I am informed there are \$275,000 already assessed upon real estate of the District for this purpose. Why cannot this be paid out of that fund?

Mr. STEWART. It will be perfectly competent if this amendment prevails for Congress to reimburse itself by its exclusive power of legislation, having entire control of the matter hereafter. Whether they will ever do it or not is another matter; but it is better never to do it than to make the appropriation in this way and inaugurate a system that is going to cost three or four times the appropriation to get it into effect.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nevada.

Mr. SPENCER. I ask the Senator from Nevada to withdraw his amendment to let the Senator from New Jersey offer one.

Mr. STEWART. Let me hear it.

Mr. STOCKTON. I rose a moment ago for the purpose of interrupting the Senator from Nevada to make this suggestion: if we go on discussing the relations between the District of Columbia and Congress we shall keep this bill from passing, which I presume we all want to see passed in a proper shape. I have an amendment which several gentlemen around me approve of. I simply want it read; and if any gentleman has a better one I shall feel perfectly willing to go for it.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from New Jersey will be reported.

The CHIEF CLERK. It is proposed to strike out in line 11 the words "levy and" and the words "a tax to," and to strike out in lines 12 and 13 the words "upon personal property, including banks and other corporations, in the said District," and insert:

Out of the tax now assessed for school purposes on the real estate in said District, and which remains as yet uncollected.

So as to read:

And that the government of the District of Columbia is hereby authorized and directed to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, and which remains as yet uncollected, and pay the same into the Treasury of the United States.

Mr. STEWART. I would prefer a suggestion of the Senator from Maine, [Mr. MORRILL,] who has an amendment. Let him send his amendment to the Chair, and I will modify mine to that extent.

Mr. MORRILL, of Maine. I propose to strike out the clause indicated and insert:

And this sum shall be charged against the District, to be deducted from any sum hereafter appropriated to its account.

Mr. STEWART. I accept that in lieu of my motion to strike out.

Mr. MORRILL, of Maine. There is a large claim here against the Government which undoubtedly we shall consider, and if we find anything due we can make this deduction from it.

Mr. THURMAN. I am apprehensive that the amendment of my friend from New Jersey will not meet the case. I am not quite sure,

although I could tell by sending for certain books, that there are unpaid school taxes sufficient to meet this sum.

Mr. JOHNSTON. There are unpaid school taxes to the amount of \$200,000.

Mr. THURMAN. If that is the case, that objection does not lie. I was not aware exactly how that matter was.

Mr. MORRILL, of Vermont. Although, as it has been seen, the clause that was proposed to be stricken out and is now proposed to be amended appears to be extremely crude, it seems to me that the exigency of these suffering teachers is so great that it would be better to pass the bill precisely as it came from the House. We shall have ample time before this bill can be executed to make further legislation such as may seem proper. Of course, a tax cannot be levied without the machinery for levying that tax. It will take a considerable time and it will be expensive. Unquestionably a considerable part of this sum of money would be absorbed by the very machinery that would be absolutely necessary to carry it into effect. There are various questions to come up in relation to this matter. We have provided in the organic act that the taxation of this District shall not exceed 2 per cent.; and yet it is proposed by this bill to levy an additional tax upon personal property. The question will come up whether that is not in conflict with the organic act. If we send this bill back to the House with the amendment proposed by the Senator from Maine, it raises a new question as to any further sums that may be appropriated by Congress for the improvements of the District that have already been made.

All these matters are dilatory, and will postpone the final action of Congress on this bill for an indefinite period. Therefore it would seem to me better that we pass the bill as recommended by the Committee on the District of Columbia, precisely as it came from the House, although it may not meet with our approval in all its parts.

Mr. MORTON. I quite agree with the Senator from Vermont. I have received letters from some of these teachers and have been called upon by some of them, who have told me that they are in a suffering condition, that their wages have not been paid for five months, and only yesterday I saw two of them, who told me they had not the means of buying bread for their little families. I should be glad to see this bill pass this morning without any amendment.

The effect of the latter part of the bill is simply to charge the \$97,000 up to the District and make it a debt against the District, because that part of it which directs the District Legislature to levy a tax on personal property and pay the amount back into the Treasury is a mere nullity. We all understand that. We can levy a tax on the District; we can direct a ministerial officer to levy that tax and collect it and pay it over; but when it comes to directing a Legislature to do it, that is a nullity. I think the bill had better be passed just as it is, because that part of it in regard to the levy of a tax is a mere nullity anyhow, and can do no possible harm.

Mr. THURMAN. I will state this further fact, that more than eight-tenths, I think nearer nine-tenths, of the teachers in this District are females dependent upon their labors for their support. I would greatly prefer that this bill should be in the shape suggested by the Senator from New Jersey, or the Senator from Maine; but I do not know that we can do much better than to pass it at once.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The morning hour has expired, and the Louisiana bill is before the Senate, upon which the Senator from Louisiana [Mr. WEST] is entitled to the floor.

Mr. MORTON. Let us pass this bill; it will not take two minutes.

Mr. SPENCER. I ask the Senator from Louisiana to give way for a few minutes.

Mr. WEST. I will certainly do so. I am willing that the Louisiana matter be laid aside informally with this understanding, that if this teachers' bill leads to further protracted debate I shall call for the regular order.

The PRESIDING OFFICER. The Louisiana bill will be laid aside informally if there be no objection. The Chair hears none.

Mr. STOCKTON. I rise to make a suggestion: The amendment I offered, I think, is better than that of the Senator from Maine, and several gentlemen here think so; but, as far as I am concerned, I am willing to withdraw it and let us vote immediately, without debate, on the amendment of the Senator from Maine, which will test the question whether the Senate desires to pass the bill without amendment or not.

Mr. MORRILL, of Maine. I am willing to withdraw my amendment.

Mr. STOCKTON. I then suggest that the vote be taken on my amendment first, and then if that should fail, upon the amendment of the Senator from Maine; and after that let the vote be taken on the bill. It will not occupy over ten minutes.

Mr. MORRILL, of Maine. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Maine withdraws his amendment, and the amendment of the Senator from New Jersey is pending.

Mr. CONKLING. I do not object to a vote being taken without debate after I make a single remark, which I beg to submit. The honorable Senator from Indiana was pleased to say that the second provision of this bill was a mere nullity and that everybody so understands. With great deference to him, I beg to say that I do not for one understand any such thing. On the contrary, I dissent

from the law as I understood the Senator from Indiana to lay it down. If he were right, Indiana, New York, New Jersey, any other State, would have no power by an act of its Legislature to compel a board of supervisors to levy a tax. A board of supervisors is the local legislature of a county and is clothed in this respect with every attribute that I know of belonging to the Legislature of this District. Is it to be contended that a State cannot make mandatory a provision that a board of supervisors shall levy and collect a tax? Are not the books filled with instances in which the courts have said that a *mandamus* will lie to compel the execution of such an act? And if so, how can any Senator say that everybody knows that this is a mere nullity? On the contrary, Mr. President, it is, I submit, a substantial provision; and although I want this bill to be passed, unless we mean to enforce that branch of it, I respectfully submit that we had better strike it out and put something in its place, because I cannot believe that the House of Representatives, having passed this bill, will refuse to concur in an amendment designed merely to limit the embarrassment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey, [Mr. STOCKTON.]

Mr. BAYARD. Let it be reported.

The CHIEF CLERK. The amendment of the Senator from New Jersey is to amend the bill so that, commencing in line 9, the latter clause will read:

And that the government of the District of Columbia is hereby authorized and directed forthwith to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, but which remains as yet uncollected, and pay the same into the Treasury of the United States.

Mr. BAYARD. Mr. President, I understand, so far as one can understand anything from the very loose management of affairs in this District, that there are \$270,000 of taxes which have been assessed and levied expressly as school taxes upon the real estate in this city but which are not collected. Why this has not been collected, why the collection officers of the District have not fulfilled their duty, I cannot imagine.

Mr. THURMAN. Will my friend allow me to interrupt him one moment to state what the fact is?

Mr. BAYARD. Certainly.

Mr. THURMAN. These taxes are not due until the 1st of July next. They have a singular system of taxation in this District. They levy a certain amount of taxes payable at the end of the fiscal year; that is to say, the 30th of June; and they allow a discount if the taxpayers will pay in advance—a discount of so much a month—but no tax-payer becomes delinquent until the end of the fiscal year. Those who have plenty of money and cannot make as good use of it as this discount affords pay their taxes in advance and get the discount. Those who have not the money, or who can make more interest than the discount would be, keep the money which would pay their taxes and employ it until they become due at the end of the fiscal year.

Mr. BAYARD. Then, Mr. President, the amendment of the Senator from New Jersey is eminently proper. It provides in substance that there shall be an advance from the Treasury of the United States of enough to pay this very deserving class of people, the school-teachers of the District, moneys which are due upon the faith and by the pledge of the taxes assessed and levied, but not collectible until the first day of the ensuing fiscal year, so that the amendment is, I think, eminently proper, if that be the design of Congress. But what a commentary it all is upon the condition of affairs in the government of the District that these people should be unpaid at this great lapse of time, when it is admitted that the school fund, the fund of school taxes which should be sacredly segregated for their use, has been misapplied and cannot now be found to satisfy their just claims!

I hold, Mr. President, in the anomalous condition of the people of this District, that the Congress of the United States is almost entirely responsible for the shortcomings, not to say something worse, of the people whom we set in power over them. The people of this District, as we all know, have but little voice in their own government; the board of public works, and their governor, and their secretary, and the chief machinery of their District being created by the voice of the President and confirmed by the action of this body. Therefore I say we are responsible for the mismanagement of our agents, and there is an equitable claim upon us that we should, so far as we may in justice to the rest of the people of this country, see that this deserving class of public employes should be fairly and fully paid. But I say it is a commentary, and a very sad commentary—I am sorry the commentary should be so just—that this fund, admitted to have been collected, should be so misapplied that these people have been kept out of their hard-earned money ever since last September. With the faith that this money will be repaid to the Treasury of the United States out of the school fund arising from taxes duly levied, and which shall be collectible in the course of the next few months, I shall vote for this measure as a measure of relief for these school-teachers. At the same time I trust that there will be such measures matured by the appropriate committees of this and the other House that such a condition of affairs will not be allowed to occur again. Here is nearly a hundred thousand dollars due to these people which has been raised by taxation and not one cent appropriated to the purpose for which it was designed. Where, in what community, would any party, any class, have strength to stand with mismanagement of this kind constantly brought home to them?

Mr. HAMLIN. I should prefer to have this bill amended as my colleague has suggested if there were no surrounding circumstances which I thought controlled me. This is a measure of relief, and as such I believe it is wise to pass the bill precisely as it came from the House. It is not in the nature of a contract; it incurs no obligation; it provides for no rights that Congress may not at a subsequent day change as it shall see fit. To amend the bill and send it back to the House and let it go upon the Speaker's table and be reached when no man can tell, is virtually to deny the great obligations we are under, or the great reasons which induce us to vote for the bill. Hence, while I am in favor of my colleague's amendment and would prefer to see the bill in that shape, I shall vote against that amendment and vote for the bill as it is for the reasons that I have stated. We can correct it hereafter.

Mr. CARPENTER. Without taking any time upon this bill, I desire to say that I shall vote for it as it is, precisely upon the ground the Senator from Maine [Mr. HAMLIN] indicates. I want, however, in that connection to put in a caveat not to be bound to the opinion which has been expressed that there is no validity in that clause of this bill which commands the District government to levy a tax. As to the validity of the District government very grave doubts must exist, I think, in the mind of every lawyer; but conceding that government to have any validity whatever—in other words, conceding that Congress may create the government, then it is our instrumentality as much as a board of supervisors is the instrumentality of a State government, and it is as much under our control; and when we pass a law saying they are hereby required to do a certain thing, they can be compelled by *mandamus* to do that thing. They are not an independent State; they are not a State of the Union; they are a mere corporation created by Congress for governmental purposes, and this District government can only be vindicated upon the same ground that you would vindicate a mere city government in the District of Columbia, a municipal corporation. Upon any other ground it is wholly unconstitutional. The Constitution provides that Congress shall have exclusive power of legislation over this District; and there was great wisdom in that, this being the seat of the Government, where are our public buildings and our public records, in which the whole nation is interested. This being so, the whole nation is the legislative power for this District. Now, then, the only ground upon which we can justify the act erecting the District government is that it is a mere municipal government under the control of Congress, as the city government of New York is under the State government of New York; and a law which provides that the common council of New York shall do a certain thing, levy a certain tax, or that the board of supervisors of a certain county shall do it, is valid beyond all question; and so a law passed here commanding this District government, our municipality, our agent for legislative purposes, to do a certain thing in the line of legislative duty, is binding upon them, if there is any validity in anything.

Mr. STEWART. There is no doubt they can do something according to the theory of the Senator from Wisconsin, on which theory I am willing to vote for this bill with the understanding that there shall be some legislation which shall provide for it; but if this clause were carried into effect as it stands it would cost more than one hundred thousand dollars.

Mr. STEVENSON. Mr. President, I shall not vote for this bill without the amendment, and I think this is the time to settle all these doubts. I agree with the Senator from New York and the Senator from Wisconsin that if the present District government has any legal existence this clause of the bill will be active and potential upon it. Nothing is more frequent than for the States to designate and authorize a county or township to levy a tax for a special purpose, and it has been and is constantly being enforced by *mandamus*; and why may not Congress do the same thing with a local government in this District where it has so exclusive control? We can do that; but I am unwilling with three hundred and seventy thousand and odd dollars of taxation assessed and not collected, as I am informed, to put it in the power of the District to levy this additional taxation without having the whole subject thoroughly scrutinized and settled upon an equitable basis. I think now is the time to strike out this clause, and give this proposed relief with the amendment of the Senator from New Jersey, which is a proper one. Accept that, and there will be no objection whatever to this bill. Unless that amendment be adopted, I cannot vote for the bill.

Mr. MORTON. It is not very important to this discussion, but I beg leave to dissent from the doctrine of the Senator from New York and the Senator from Wisconsin entirely. There is in my judgment no analogy at all between this case and that put by them. A corporation makes a contract, if you please, and issues a bond upon it. Where a judgment has been obtained upon the bond, it has been held that the courts having proper jurisdiction could issue a *mandamus* against a board of county commissioners or against a board of supervisors or those whose duty it was to levy the tax, to levy that tax, to carry out and execute a contract. It is entirely different from a duty imposed on a legislative body by an act of Congress where there is no contract at all. How can Congress compel a legislative body to make an appropriation or levy a tax? There is no way of compelling them. A court may compel a board of county commissioners under certain circumstances to do that; but does that bear

any analogy to this case? Certainly not. I hope the bill will pass as it is.

Mr. STEWART. My point is that beyond the mere ministerial duties, so to speak, that are conferred on boards of supervisors to carry out the laws of States, or on any board here to carry out the laws of Congress, any legislative authority conferred upon any legislative body in this District is a nullity. But the levying of a tax under a law passed by Congress would be in pursuance of the power of Congress to cause that tax to be levied. That is direct and clear. We might direct that the Legislature should do it. We might direct that A B do it. It is in pursuance of the exclusive legislative authority of Congress. But in the organic act the legislative powers conferred on this District government, which are quite extensive, I think are a nullity; and beyond the duties that are ordinarily conferred upon boards of supervisors in counties, I think the powers conferred on this Legislature are all void and their acts outside of that line of duties are void. In other words, I do not believe that Congress can delegate its legislative power, when by the express terms of the Constitution that legislative power is exclusive in Congress.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey, [Mr. STOCKTON.]

The question being put, the Chair declared that the ayes appeared to prevail.

Mr. SPENCER. I call for a division.

Mr. HAMILTON, of Maryland. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I hope we shall not have the yeas and nays on this amendment. This practice of taking the yeas and nays on every question is one which consumes a great deal of time. I have no fear of the record.

Mr. HAMILTON, of Maryland. Allow me to ask the Senator from Alabama to withdraw the call for a division. If he does that, the amendment will be adopted and the bill can go to the House and it be concurred in.

Mr. SPENCER. I want these teachers paid; I want them to have their money.

Mr. HAMILTON, of Maryland. The amendment has been declared to be carried. Withdraw the call for a division.

Mr. RAMSEY. Let the amendment be reported.

The Chief Clerk read the amendment proposed by Mr. STOCKTON.

Mr. MORRILL, of Vermont. May I ask the Senator from New Jersey if he can inform us whether the District authorities will not be in the same trouble when the time comes around for the payment of these taxes, and will not be just as far in arrear as they now are?

Mr. BAYARD. With the consent of my friend from New Jersey, I will say to the Senator from Vermont that there is this amount already assessed and levied, \$270,000 upon the real estate.

Mr. JOHNSTON. Two hundred and four thousand dollars.

Mr. BAYARD. Well, \$204,000. That is double the amount now appropriated by this bill.

Mr. MORRILL, of Vermont. But my question is, whether that sum will not be then wanted to pay the accruing liabilities of the District to the school-teachers?

Mr. BAYARD. I have no doubt it will be wanted, and perhaps more will be wanted; but this \$97,000 will be primarily deducted from it. If there will then be a deficiency, it must be remedied by some other legislation.

The object of this amendment is simply to grant a measure for present relief; that is all; and not to attempt to look into what seems to have been a palpable delinquency and misapplication of the public-school fund of the District. We can relieve these deserving people now and without adding to the taxation of the District by this bill. That is all the amendment proposes to do. We pay the \$97,000 now, and are to have it repaid out of the fund which is collectible at the order of Congress which has already been assessed and levied. Should there be a deficiency hereafter, it will be time enough to meet that by proper legislation after proper examination.

Mr. STOCKTON. I simply wish to say, in reply to the Senator from Vermont, that the most important object of my amendment is this: While it assists to do the work for which the bill was intended—to pay these poor people immediately who need the money—it gets rid of the immense cost of a new assessment. It seems to me strange that when we have an assessment and a levy which has cost, as some one said, near as much as \$97,000, we shall go to work and direct them to make a new assessment on new property. We save by this amendment almost the amount of the appropriation, while we meet the urgent necessity.

I desire to say before sitting down that I do not wish myself to be understood as agreeing with the Senator from Delaware in saying that this money has been misapplied, because it seems to me that that is inconsistent with the statement made by the Senator from Ohio [Mr. THURMAN] that the money had not been collected, and was not collectible by law.

Mr. BAYARD. Ninety-seven thousand dollars has been collected, and has been misapplied.

Mr. STOCKTON. I did not understand it so from the Senator from Ohio. He will put the matter correctly. I understood the Senator from Ohio to say that the reason this money had not been collected was that it was not collectible by law, and he gave a history of the

law of this District in reference to such matters; at least I so understood; and therefore the amendment seemed to me to apply simply to relieve the government from a want of this money temporarily until the tax is collected, and the tax will be collected regularly under the law, supposing that the government of the District does its duty. The Senator from Ohio does not correct my statement. I thought I was not mistaken in what the Senator said.

Mr. SPENCER. I desire to state for the information of the Senate that this bill passed in the House after quite a protracted and heated debate. The adoption here of the amendment proposed by the Senator from New Jersey, while I am in favor of it myself, would, I think, kill the bill in the House. The clause he moves to strike out was put upon the bill in the House by a vote by yeas and nays. This is a case of charity. The bill is for the purpose of relieving the necessities of a very deserving class of people, and I hope no amendment will be put on the bill.

Mr. JOHNSTON. I wish to suggest to the Senator from New Jersey to change his amendment. The amendment, as I understand it, provides that the tax shall be collected forthwith, and by the law as it now stands these taxes are not due until the 1st of July. This amendment would have the effect of making taxes which are not collectible by the present law until the 1st of July collectible forthwith.

Mr. STOCKTON. I accept that suggestion and move to strike out the word "forthwith," and then the tax will be collected of course according to the law as it exists now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey as modified, upon which the yeas and nays have been ordered. Unanimous consent has been asked to rescind the order for the yeas and nays. Is there objection? The Chair hears none.

Mr. BAYARD. The call for the yeas and nays was withdrawn on the suggestion of the Senator from Maryland to the Senator from Alabama that he should withdraw his demand for a division.

The PRESIDING OFFICER. The Chair did not so understand. Is the demand for a division withdrawn?

Mr. SPENCER. No; I do not withdraw it.

Mr. BAYARD. Then the demand for the yeas and nays is not withdrawn.

Mr. HAMILTON, of Maryland. No; it is not withdrawn.

The PRESIDING OFFICER. The call for the yeas and nays has been withdrawn; but they can be ordered again. The yeas and nays are called for.

The yeas and nays were ordered.

Mr. CHANDLER. Let the amendment be reported again.

The PRESIDING OFFICER. It will be read as modified.

The CHIEF CLERK. That portion of the bill affected by the amendment will read, if the amendment prevails, as follows:

And the government of the District of Columbia is hereby authorized and directed to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, but which remains as yet uncollected.

The question being taken by yeas and nays, resulted—yeas 20, nays 27; as follows:

YEAS—Messrs. Bayard, Boggy, Conkling, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Hamilton of Maryland, Harvey, Kelly, McCreery, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Schurz, Stevenson, and Stockton—20.

NAYS—Messrs. Allison, Boreman, Buckingham, Carpenter, Conover, Cragin, Dorsey, Ferry of Michigan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Logan, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Scott, Sherman, Spencer, Tipton, and West—27.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Brownlow, Cameron, Chandler, Clayton, Cooper, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Jones, Lewis, Mitchell, Morrill of Maine, Robertson, Sargent, Sprague, Stewart, Thurman, Wadleigh, Windom, and Wright—25.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1243) to abolish the system of mileage, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers;

A bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes;

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels;

A bill (H. R. No. 1930) to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian reservation;

A bill (H. R. No. 1942) authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list;

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel; and

A bill (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 1243) to abolish the system of mileage was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

STATE OF LOUISIANA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. WEST. Mr. President, what is termed the Louisiana question has been a prolific source of agitation before Congress and before the country ever since the presidential election of 1872. It may be expected that a renewal of the discussion of this question by the only representative in this body that that State is permitted to have will be undertaken with a view either to denounce the opponents of the cause which he maintains and extol the merits of those who act with him in its support, or with the other purpose of replying *seriatim* to all the arguments that have been adduced in favor of setting aside the government now existing in that State.

Until I am compelled to do so, I shall speak in no unkind terms of the men who have engaged in the outrages that have been perpetrated of late years in Louisiana. Others may feel warranted in denouncing them in terms that are not only painful to me to listen to, but would be more painful to me to proclaim. I shall therefore not seek to vindicate one class of the citizens of Louisiana at the expense of the shame and exposure of the other. I shall deal to some extent with a class of politicians who come up here and represent to the Congress of the United States that they are "the people of Louisiana." I will discuss their claims to be considered our people.

I am honored by a representative position of both classes here. I shall speak, therefore, in no unnecessary unkindness of the class to whom I am politically opposed; nor shall I claim anything more for the party friends now controlling the government in my State than the credit to which they are entitled for the efforts made by them since their incoming to power to retrieve past errors and alleviate the burdens which distress her people.

In replying to the arguments so far made in favor of congressional interference, I shall confine myself to one proposition to-day, and that is, that all the information of which the Senate is in possession goes to the form of the election held in November, 1872, and does not relate to the fact. Until yesterday, by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] the issue had never been made in this Chamber and in Congress upon the rights of the voters, on the broad and popular ground of choice by the people; and although he has anticipated me in many of the points I shall make, they contain facts that cannot be repeated too often.

By the report of the Committee on Elections and Privileges of last session we are confined to the consideration of a mass of testimony taken, I submit, not to establish who was elected governor of Louisiana, but both produced and taken altogether to establish the right of one or the other of two contestants for a seat in this body. The instructions of the Senate to that committee were:

That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, &c.

To that same committee were also referred the credentials of John Ray and William L. McMillen, each claiming to be elected to the seat made vacant by the resignation of William Pitt Kellogg as Senator from the State of Louisiana. Now, in order to view the estimation in which that very committee considered the points submitted to them, look at the typographical execution of the report. They emphasize one question and almost totally ignore the other. After saying that they had devoted weeks to the investigation of the subject referred to them, they say:

The Senate must, therefore, determine whether either McMillen or Ray, and if either, which, is entitled to said seat.

No one can doubt in reading the testimony that the object contended for by Ray and McMillen respectively was a seat in this body, and hence each one of them sought only to establish the legality of the organization of the Legislature whence he derived his credentials. Could either of them have established that their credentials were in legal form, they would have been admitted into this body upon a *prima facie* case; and therefore the whole gravamen of their labors was directed to establishing that fact. The term was about to expire; there were but a few short weeks of it still enduring; and if either one of them could have made out a *prima facie* case, he would have been admitted to the Senate, and the Senate never would have gone into the merits of the case at all.

In examining into this contest the committee comparatively lost sight of the other and more important branch of the subject, or at least entered into it in a manner so imperfect as in no degree to warrant Congress in assuming to exercise, for the first time since the

reconstruction of the South, the power to order an election for State officers under Federal legislation and control.

McMillen on one side and Ray on the other each conducted his case, not the case of Louisiana. Louisiana's case has never been heard here, and until it is heard I shall rest with perfect confidence upon the good sense of this body, knowing that it will not overturn a government until it knows that it was established in defiance of the wish and the intention of the people of the State.

The Senator from Wisconsin, [Mr. CARPENTER,] in his last appeal to the Senate on the Louisiana question, has asserted that both sides agree upon sundry propositions connected therewith. In furtherance of this assertion, however, he assumes one position as mutually agreed upon that is by no means assented to by myself, and I do not believe that he will find another believer of his assertion in this body.

He says in his speech delivered on the 4th of March last, and printed in the RECORD of March 10:

I ask the attention of the Senate to the fact that at this election electors of President and Vice-President ought to have been elected, because I claim that the decision of both Houses of Congress rejecting the vote of the electors of that State, and denying Louisiana any voice whatever in the election of President and Vice-President, is an adjudication by Congress that no result was accomplished by the pretended election of November 4, 1872. If anything was accomplished at that election, then presidential electors, a governor, and other State officers, and a Legislature were elected. But if no presidential electors were elected, then no election of governor and other State officers and members of the Legislature was effected. Congress having decided that the election was void as to presidential electors, it follows that the election of State officers and members of the Legislature held at the same time, and subject to the same objections, must be void also.

The Senator broadly and unwarrantably assumes a fact that the record totally contradicts him in. I cannot recall at the present moment, but I think it was on the 12th of February, 1873, that the two Houses met to act upon the votes cast by the different States. On the 10th of February the Committee on Privileges and Elections of this body, who had been directed to inquire and report as to the presidential election in Louisiana, Arkansas, and other States, reported in regard to Louisiana as follows:

We find that the official returns of the election of electors from the various parishes of Louisiana have never been counted by anybody having authority to count them.

They never said that that election was void; nor did Congress come to any such conclusion, because although Congress determined that question, respectively each House for itself, the record shows what was the conclusion in each House as to the result of that election. The Senate resolved as follows:

That all the objections having been considered, no electoral vote purporting to be that of the State of Louisiana be counted.

And the House resolved:

That in the judgment of the House, none of the returns reported by the tellers as electoral votes of the State of Louisiana should be counted.

The only conclusion that Congress has come to in regard to the vote of Louisiana is the conclusion that I want to hold you to to-day, that you do not know how the election has gone in Louisiana, and until you do know you have no right to interfere with it.

We are told that the Kellogg government is a gross usurpation, and that dire consequences are to result to the dominant party in Congress and in the country, and that we as Senators will be grossly derelict of our duty unless we apply a remedy which it is alleged exists under the instruction of the Constitution that the United States shall guarantee to every State in this Union a republican form of government.

This proposition has so far mainly been urged upon us by the Senator from Wisconsin. In the bill which he has introduced to restore the rights of the State of Louisiana he has assumed an existing state of facts in regard to affairs there from which I totally dissent, and which assumption I contend and shall endeavor to show to the Senate is not at all warranted by the information in its possession.

In the first place, let me ask what is our right of interference? That right must be based upon two general grounds; first, whether it is conferred upon us by the Constitution upon any given state of facts; and second, whether that state of facts exists.

I shall leave the argument on the first of these propositions to the more experienced members of this body, whose views will interest, instruct, and enlighten the Senate to a degree that I should be entirely without expectation of equaling, and I shall confine myself altogether to the proposition that the Senate has not been informed, nor attempted to inform itself, as to whether a state of facts exists growing out of the election of 1872 in Louisiana that either requires or even justifies Congress in interfering. I assert and maintain that the Senate does not know that William P. Kellogg was not elected governor at that time; that the information laid before the Committee on Privileges and Elections of the Forty-second Congress related entirely to what was done by certain returning boards, to what occurred through an order issued by a judge of a Federal court, and that the examination held by that committee scarcely touched upon what, if we are to exercise our right of interference, is the true subject of inquiry: *How did the people of Louisiana vote on the 4th of November, 1872; for which person of the two then seeking their suffrages for the office of governor on that day did they actually vote?* With the exception of myself, and I do not know that I ought even to except myself, nobody has given greater attention to this matter than the Senator from Wisconsin. He, after spending these weeks elaborating his report and studying that testimony, admits in the Senate that he does not

believe Mr. McEnery was elected. Now, we know perfectly well that there were two men voted for on that day. The Senator from Wisconsin says:

I do not think that Mr. McEnery was in fact elected.

Now, can there be an election without a result? If he does not think that in fact Mr. McEnery was elected on that day, he must think in fact the other man was. That is the question for Congress to determine, it seems to me, before it is called upon to determine whether it has the right constitutionally to interfere.

In a case somewhat analogous, the New Jersey case of 1840, known most generally as the Broad Seal case, and to which I shall have occasion to refer as I proceed, Congress took a direct and thorough method of ascertaining the facts connected therewith, as my friend from California [Mr. HAGER] very well knows, for he was counsel in the case. It may with some truth be contended that neither the acts of a returning board nor the order of a Federal judge can impose a government upon the people of a State, and that a government established by either of such means is no more republican in form than were it established by force of arms, however it might subsequently rigidly comply with the written form of a republican constitution.

It is the voice of the people alone that constitutes a government under our institutions. That "governments derive their just powers from the consent of the governed" is an axiom too familiar to be forgotten, and I contend that Congress has not in its possession any evidence worthy of regard that Mr. Kellogg is governor in violation of the consent of the governed; and until it is so informed, it can do no greater wrong, can in no manner more widely depart from its obligation as one of the co-ordinate branches of the Government of the United States to guarantee to Louisiana a republican form of government, than unjustifiably to set aside the present government in that State and impose upon her people the necessity of making another choice through the bill of the Senator from Wisconsin.

William P. Kellogg is to-day governor of the State of Louisiana. He is recognized as such by your Chief Executive, by your co-ordinate branch of Congress who have admitted to seats upon their floor members properly certified by him to have been elected. He is recognized as such also by the supreme court of that State, and Congress ought to be satisfied, before it undertakes to overthrow him as the governor of one of the sovereign States of the Union, that he holds the office contrary to the desires, contrary to the expressed wish and intention of the people governed. They should know that, and they should know what the people of Louisiana willed in 1872 and what their wish is to-day before they undertake to interfere with him. There is not a particle of evidence of that kind here. If he holds the office by the wish and according to the intention of the people governed, then his government is republican in form under the constitution of that State, and as all the evidence goes to show that he does so hold it, those who would oust him from his position are compelled to show proof to the contrary.

Now let me call the attention of the Senate for a few moments to the political antecedents of that State. Then also let me ask your attention to the conclusion that the Senator from Wisconsin himself admits, that the State on the day of that election was largely republican and cast a majority of republican votes. In April, 1868, the republican vote of the State of Louisiana was 64,901, and the democratic vote was 38,000, giving a republican majority of twenty-six thousand and some hundreds. Under the necessity, as it seems, of the democratic party in the year 1868 to carry that State at all hazards, they instigated such scenes of violence throughout the State that on the day of the election for Grant and Seymour in 1868 the colored people refrained from going to the polls. In the parish of Orleans alone, which only five months before polled 14,000 republican votes, we had to content ourselves with 240—two hundred and forty white men who had courage enough to go up and cast their votes. And so throughout the State; parishes that had cast from 500 to 1,000 votes for the republican candidate only a few short months before were found without a vote, and in some instances casting one, or two, or three votes. Is it any wonder under such circumstances that a democratic majority of forty-odd thousand should be rolled up and that the republican vote had fallen off some 50 per cent.? The democratic vote had increased 100 per cent. and the republican vote had fallen off 50 per cent., so that that election was a farce.

Then when we come to the election of 1870, when peace and tranquillity prevailed once more in the State and there was not that intense political excitement, we find that the republican State candidate received 65,500 votes and the democratic vote relapsed to its former number of 41,000, giving a republican majority on that occasion of 24,000 again. Now, I assert, and I can prove both by the testimony taken before the committee and by the conclusion admitted by the Senator from Wisconsin himself, that the colored people of Louisiana who were largely in the majority voted almost *en masse* in 1872 for the republican candidate. I do not think any Senator here will refute my assertion that as a class the colored men of the South are a unit as republicans. In some comments of Senator Trumbull, formerly a Senator from Illinois, on the report of the majority, he commented upon the division of the races in Louisiana and quoted the census to show that there were a hundred and odd more white males in Louisiana than there were blacks. He quoted the census correctly; there is no doubt about that; there are that num-

ber. The relative division is eighty-seven thousand and odd whites, and 86,913 blacks, males twenty-one years old and upward; but the Senator did not quote far enough. He should have examined the column of citizenship, and he would have discovered that the black citizens were 15,000 majority over the whites.

Mr. CARPENTER. Will you give me the page?

Mr. WEST. Page 619. We have an aggregate of 173,979 males, black and white, but we only have an aggregate of 159,031 citizens, black and white, and I ask you where are you to look for your unnaturalized people? Not among the blacks; we all know how they became naturalized. Now turn to page 629 of the first part of the census and you will find the same result derived there in a classification particularly of the State, and you will find also that in one single parish, the parish of Orleans, there are 9,000 unnaturalized foreigners.

Now, I will admit that if we were to go by the census or were we to go by such presumptions, you have no authority to establish a government in that State or in any State; but when a State government is in existence the knowledge of the choice that its people did very probably make should make us pause before we assume that they did not make that choice, and we should so assume arbitrarily if without proper knowledge of the facts we order that people to choose again.

It is necessary that the Senate should be asked once more to take a retrospective view of the political events that preceded the election in Louisiana in 1872. There were factions in both parties, or rather both parties embraced individuals and partial organizations inclining to a third, the liberal party. Several months before the presidential election the main parties in rivalry compacted their organizations and entered the field respectively as units. The republicans fell back upon their own lines and presented an unbroken front. The few remaining liberal republicans were gradually dissolved in the democratic organization. They first dropped the name of republican and finally surrendered and became part of the democratic party, which, to signalize the event, took unto itself a new name and was known thereafter in the canvass by the title which we also ascribe to it here, the fusion party; so that parties relapsed into their own normal elements, black and white.

Assuming that we have no white republicans there, and referring to the testimony of the parties particularly interested to prove that the black men voted the democratic ticket, we find it is the reverse. I will quote now from the testimony of Mr. McMillen. Mr. McMillen, who appeared here as a candidate for a seat in this body and consequently desired to make as favorable a showing for his side of the question as he conscientiously and honorably could, when asked as to that election "How many thousand votes were there in the colored vote that voted for Greeley?" he replied:

My impression always has been that there have been about as many colored people who voted in opposition to the republican ticket from one cause and another as there were of white people who voted the republican ticket, and that four or five thousand would cover the entire number throughout the State.

There was the admission which probably forced the conclusion upon the Senator from Wisconsin that the colored population of the State, outnumbering the white, in the last election were almost unanimous in their support of the republican ticket. Now what testimony did they bring forward to rebut that? and this is the only rebutting testimony in the whole book; all the other testimony pointing to the conclusion that the Senator admits. They brought forward a colored democrat; they did get one. They had a man by the name of Armistead, a colored man, nominated as secretary of state on the democratic ticket for the purpose of catching probably some votes of that race; and he admits that about two thousand up in Northern Louisiana voted the whole ticket from his information. He was cross-questioned by this very contestant, Mr. McMillen, who also wanted to establish the fact, if he could, that the colored men voted the democratic ticket, and Mr. McMillen on that same day, being asked by the Senator from Wisconsin whether the testimony of Mr. Armistead had occasioned him to form any different conclusion, admitted under oath that it did not. After Mr. Armistead's testimony was closed, the Senator from Wisconsin asked Mr. McMillen "if the same questions were put to you would you answer them now the same as you have answered them?" after hearing this witness' testimony that so many black men voted the democratic ticket in that State, Mr. McMillen says, "as they are down in the record," it does not change my mind; there were scarcely over five thousand under any circumstances.

Now we will see about this alliance, this fusion party, this unholy alliance that was styled by the men who subsequently engaged in it "as an alliance with infamy worse than infamy itself." That was the alliance that the Senator from Wisconsin himself said "was entered into for the purpose of establishing a government based upon fraud, in defiance of the wishes and intention of the voters of that State." It is almost incredible that any party organization could so demean itself as to renounce all its self-respect and the respect of the world in an eager grasp for place and power; and yet so stands the chronicle of the time. Among the many gentlemen who have been here claiming to represent the people of Louisiana in this effort to overthrow the government of that State was the candidate for the office of attorney-general on the fusion ticket, Mr. Ogden. As an illustration of what he at one time thought of the fellowship with which he eventually allied himself I give his remarks as reported to have been made in the democratic State convention.

This is the report:

Referring to the statement that we could not succeed without the co-operation of "some power without regard to the character of that power," the speaker spoke in deprecating terms of the proposition. He thought that a good ticket of honest men would succeed. The reform movement had utterly confused the politics of the State and prevented the coalition with a certain individual. You might call it sickly sentimentality, he said, but he utterly rejected the proposition of a coalition with Warmoth. [Applause.] It is not sickly sentimentality to uphold one's principles. Honesty is the best policy.

It was true, he added, that those who would form this coalition thought that success could only be obtained by a fraudulent registration.

He again warned the people from coalescing with Warmoth, who was a paralytic and a beggar before the people.

And yet in two months thereafter this gentleman spoke at the same stand with Governor Warmoth in support of the fusion ticket, and clasped hands across the infamous, not the bloody, chasm. What was the basis of this alliance? What was the service proffered on one hand and the reward promised on the other? Recourse must be had now once more to the report of the Senator from Wisconsin; and I will ask the Clerk to read what is marked on page 44 of the report.

The Chief Clerk read as follows:

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied, by the testimony, that this opinion was well founded.

Mr. WEST. Now I will ask the Clerk to be kind enough to turn to page 871, and read the testimony given by J. Q. A. Fellows.

The Chief Clerk read as follows:

Question. In your conversation with leading democrats in New Orleans during the last canvass or two, at the time the fusion was made by Governor Warmoth, state what their calculation was that his accession to the party would be worth to them.

Answer. I will premise by stating that for several years I have held myself somewhat neutral in politics, waiting for an opportunity to arise when I could unite with one party or another for the best interests of the State; and last spring and summer, when the canvass was approaching and being carried on, there was an effort made by some moderate democrats and reformers, and a large number of other people in Louisiana, especially in New Orleans, that stood in the same position with myself, to make a union with the best portion of the republican party, and secure the government of the State in all proper things. A fusion was continually thought of by the democrats with the governor. I was solicited time and again, probably by thirty, I think, to join in the movement to make the fusion. During that time, say for two or three months, the whole matter was canvassed over and over again. They said that, with the assistance of the governor, or fusion with the governor, they could certainly carry the State against the republican party, or the custom-house party, or the negro party, as they called it. I thought it could not be done; that he had not votes enough at his command to do it. I understood that he had not over 1,000 voters that were his followers. They admitted that there were no more than 2,000; but they said this: that his power, with the assistance of the registration and election laws, was good for 20,000 votes by his appointing his men, or men who would work in his interest, as registrars, and the manipulation of the registration, and the appointment of commissioners of election and in placing the election polls, and they thought his influence was good for 20,000 votes. This was the repeated calculation of every one I talked with that finally went into the fusion party. Others refused to go in who were called "last-ditch" democrats, or "straight-out" democrats; many of them refused to go in the fusion, and many of them voted for Grant and Kellogg who were within my acquaintance. They made the same calculation; there was the calculation of one or two thousand followers, enough to make fifteen or twenty thousand altogether.

Mr. WEST. The reading by the Clerk just at this moment says that that was the common talk of the politicians in Louisiana as he understood it at that time. Now, that it was not only the common talk of the politicians, but that it was the sentiment of the democratic party at large of that State, I have evidence here. The Picayune of December 24, 1872, in discussing some questions connected with the election, shamelessly admits that this alliance was entered into for that very purpose. Here is its language:

All who went into the Greeley and Brown fusion movement were necessarily thrown into political relations with Warmoth, who was in the same line of policy, and as he had control of the ballot-boxes under the infamous registration and election laws of the State, it was thought to be neither necessary nor expedient to throw him off, since he was in a position to insure a fair election and perhaps keep some negroes from going to the polls.

There is the admission. These infamous registration and election laws that the democratic party had been crying out against for two whole years they then hugged to their bosoms and used them for their own base purposes. I will quote again from the same paper, of a different date, to show how far the respectable leaders of the democratic party in that State admitted that they had gone into this unholy alliance, how far they admitted that they were going to practice upon the ballot-box, and that although we might have a peaceable and a fair election, as they called it, when the votes came up to be taken out of the box they tumbled up Jack. That was the reason we had a peaceable election in Louisiana, because we did not believe that such infamy could be engaged in. We did not believe that whole ballot-boxes could be taken and returned with the number of 500 votes, and without the name of a single republican in a precinct strongly republican. Now, we have here the proceedings of the ratification of the fusion ticket, the shaking hands across the bloody chasm, in which the democratic candidate for governor, John McEnery, says:

It is known to many of you, my countrymen, that when the democratic convention in June assembled in your city I was the firm, decided, outspoken advocate, in that convention and out of it, for union and coalition of the conservative elements upon a just basis in opposition to the power of the military despot who sits enthroned at Washington; the man who in the exercise of despotic power has robbed us of our rights sitting enthroned at Washington. In this fusion, in this compact—if I may so term it—is recognized as binding upon the whole of the people of Louisiana, all the obligation which it imposes, you must accept this compact, this coalition, as an absolute entirety. There is to be no renunciation of a part and the acceptance of a part of it.

It is very plain what the fusion candidate for governor thought were to be the benefits to his prospects by the compact that he admitted bound him and his followers. What the party of the second part to this compact, Governor Warmoth, thought of it, is shown by his speech on the same occasion. He says:

A great deal has been said of me because of my course in relation to certain legislation in this State. It is known to all of you that I recommended in no uncertain language to the Legislature the repeal of a certain law. The Legislature did after a fashion modify these laws. Those bills have passed the Legislature, and are before me for signature. Now I propose to tell the people of this city, and through the press represented here the people of the State, the simple, plain reason that I do not sign these laws. In the first place they make no material modification of the old election and registration laws. In the second place, it was intended, when the repeal of these laws was forced through the Legislature, that instead of them General Grant should use his election law upon the people of this State; and then, besides that, the great mass of the people who have so long demanded the modification or repeal of these laws have changed their minds.

The great mass of the people who had denounced these laws as outrageous changed their minds and were willing to take all the false advantages under which they could be used for their benefit.

Now let me digress here a moment with reference to our election law. The Senator from Wisconsin the other day charged that Governor Warmoth had as a matter of decency repealed that election law. He did it under a necessity to perfect his own schemes. The Legislature elected at the same time with Governor Kellogg re-enacted one provision of it and only for a particular purpose. There were a number of vacancies in the Legislature, and the new election law which was approved by Governor Warmoth November 20, 1872, provided that those members should be returned to the Legislature through the instrumentality of police juries; and inasmuch as no police juries had been elected or were recognized in the various parishes throughout the State, the Legislature re-enacted that clause and enabled the governor for that particular time and occasion to appoint those police juries so that the machinery of election might be perfected to return members of the Legislature. He re-enacted so much of that iniquity as answered the purpose for the moment of returning a few men for the Legislature when we had already a majority there, and as soon as we got a full Legislature we repealed the law, and all the iniquity under which the people of Louisiana have complained that they have labored for years is now obsolete, and the next election in that State can with proper protection be held in peace and give a fair result.

Mr. HAMILTON, of Maryland. I wish to ask the Senator a question, if he will allow me to do so. Has not that Legislature passed a law repealing the one alluded to, and is it not now in possession of the governor or to be held by him until after this Congress shall have adjourned?

Mr. WEST. The Legislature has passed a law repealing that act and the governor has signed it.

Mr. HAMILTON, of Maryland. Have they not passed another repealing that act and reviving and confirming the first act?

Mr. WEST. No, sir; not that I know of. At all events we know nothing about the laws of Louisiana until they are promulgated. After having urged in two successive annual messages to the Legislature the repeal of these very election laws, after succeeding in getting such repeal effected by the Legislature up to the point of his approval of the law, that act was put in his pocket and Warmoth audaciously avowed that the old law was good enough for his purpose just then. Is it not plain enough that it was his intention to defraud the voters of the State in the manner referred to in the testimony which the Clerk has read?

Follow up the proceedings in furtherance of this design, follow them step by step, as illustrated in the testimony and by the documents transmitted to us by the President in his message of January 13, 1873. Among other evidence we find the confidential circular of the State registrar of voters.

Mr. CARPENTER. Will my friend allow me to say a word on the question of the repeal of that election law? I understand that the law which was passed by Kellogg's legislature about a year ago, and which has been published, was repealed three or four days ago or within a very few days, about the time this bill was introduced here, and repealed because the friends of Kellogg's government thought it would be a bad point to show in Congress. I am informed and have seen a telegram from New Orleans saying that although Kellogg did have that law repealed so as to have it have its effect here in the Senate, on the last day of the session they passed another law in substance reinstating it, which Kellogg is keeping in his pocket until after the adjournment of Congress, and then is to approve and take the power back. If the Senator has any knowledge on that subject, I should like to know whether that is so or not.

Mr. WEST. I am not so familiar with the laws that governors of Louisiana carry in their pockets, it seems, as the Senator from Wisconsin. He gave us the evidence of that a year or two ago as to how adroitly these things could be manipulated. I do not know the fact.

Mr. CONKLING. Did you ever hear of it?

Mr. WEST. No, I never heard of it. We know nothing about the laws of Louisiana until they are promulgated; and I do not think the Senator need be apprehensive—

Mr. MORTON. I never heard of that before.

Mr. CARPENTER. I saw a dispatch yesterday to that effect, and from the source it came I believe it to be true, though I have no personal knowledge.

Mr. MORTON. I have Kellogg's dispatch the morning of the last day of the Legislature announcing the passage of the other act.

Mr. WEST. Mr. President, I ask the Senate's pardon for my apparent tediousness; but I am telling the true story of Louisiana; I am telling the story that we can take before our constituencies in the coming fall campaign and lay the true facts before them and let them judge between right and wrong in my State. Here is the confidential circular of the State registrar of voters under date of October 24, 1872, to the supervisors of registration, appointed not by the governor of the State, but throughout the State by the democratic State central committee with the proxies of the governor in blank in their hands; not a single republican was allowed to witness that election held that day in Louisiana behind the ballot-box; and what were the instructions to these convenient tools?

STATE OF LOUISIANA,
OFFICE OF STATE REGISTRAR OF VOTERS,
New Orleans, October 24, 1872.

SIR: In addition to the instructions contained in Circular No. 8, from this office, you are instructed—

First. In counting the ballots after election, count first the votes cast for presidential electors and members of Congress, keeping separate tally-lists on the Form No. 1, provided for that purpose, and making up and completing the statement of votes for each poll, upon Form No. 1. Then close the box, reseal it, and proceed in a similar manner, until all the national votes have been counted.

The republican party in the counting of the national votes was allowed to be represented under the law of Congress by the supervisors appointed by the district or circuit judge, but as soon as the counting of the national votes was done with they excluded those men and practiced their frauds in secret:

Then proceed with the counting of the State and parish votes, bearing in mind the fact that the United States supervisors of election and deputy marshals have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish votes.

Then on November 2, 1872, the same State registrar of voters, in reply to the request of the chairman of the republican central committee that republican judges or commissioners should be allowed at the polls in the State of Louisiana, flatly denied the republican party a single representative.

STATE OF LOUISIANA,
OFFICE OF STATE REGISTRAR OF VOTERS,
New Orleans, November 2, 1872.

SIR: In reply to your communication of date, I must respectfully decline compliance with your request to appoint one commissioner of election at each polling place, from the republican party, at the general election to be held November 4, 1872.

In regard to your second request, I have the honor to inform you that the list of polling places in this parish will be published in the official journal and other papers to-morrow, 3d instant.

Very respectfully,

B. P. BLANCHARD,

State Registrar of Voters and Supervisor of Registration, Parish of Orleans.

Hon. S. B. PACKARD,
President State Republican Committee.

Now, sir, will any Senator on this floor rise in his place and say that he countenances such proceedings as that? Will he rise in his place here and say that he believes a fair election could be held under such circumstances, or that the returns show anything like the choice of the people when that choice had to be submitted to such an ordeal as that? Where is the Senator who will say that he considers that justice was done then to the people of Louisiana?

Sir, it was with such preliminaries for a fair election as I have stated here, that severe exclusion which the fusion party desired to have of republican witnesses at the polls, that the sun of Austerlitz, as my friend from Kentucky [Mr. McCREERY] said, illumined the glorious field on that morning the fusion party rallied around the banner of equal rights—equal rights, when a white man had a chance to vote and a black man could not! To follow out my friend's illustration the chief was surrounded by his marshals. He only had to give them the instructions to carry out his ideas, and the republican party was routed as the Austrians were on that memorable day. True, he had no Murat; there was no Lannes, or Bertrand, or Bernadotte; but there were convenient tools at hand who stood ready to carry out his instructions. "Go to those parishes and cheat the negroes, or let me never see your face again." That was his order; that was the glorious sun of Austerlitz that illumined the field—a field which I as a Louisianian blush to say was illumined in that way.

The curious in the valorous exploits of those creatures in the political combat can gratify their desire for information by referring to their deeds recorded in this testimony. The achievements of one of them were so unparalleled and extraordinary that I can scarcely avoid giving him the notoriety of personal mention. Mr. Cahoon, who went to Madison Parish as supervisor of registration and election, signalized his devotion to his mission by reporting a registration of 1,718 white voters in that parish, whereas the census of 1870 gives only 936 total white population. But his courage seems to have failed him, and after taking flight to New Orleans, where he secured all the facilities for making up his returns to order, he only returned 838 democratic voters—something less than 50 per cent. of his registration, but liberal enough, however, in comparison with the census and the democratic vote of 1870, which latter only reached 37. As a sample of how these returns were made up by that individual the Senator from New Jersey yesterday had quotations made from the testimony going to show that a justice of the peace went to the room where this man was making up these returns and swore him to them in blank.

Now let us have a little more summing up of the legerdemain—for there is no other name for it—that was practiced there upon ballot-boxes. In the election of 1870 the democrats carried sixteen parishes in the State of Louisiana by an aggregate majority of seventy-three hundred and odd. These same sixteen parishes were reported by the fusion board as giving an aggregate democratic majority of only 7,101 in 1872. Upon their own showing the democratic loss on their own ground was 262 votes. In the parishes exclusively democratic on this occasion the democratic vote fell back 232 votes in a majority of 7,000. In the remaining thirty-six parishes of the State, which were all carried by the republicans in 1870 by a majority of 32,616, the fusion board in 1872 returned an aggregate democratic majority of 1,556.

At an election which showed large republican gains in every other State of the Union, an astonishing gain of 34,171 in the opposite direction is claimed in the exclusively republican parishes of Louisiana by a board which admitted a republican gain in the exclusively democratic parishes of the State. Where they could manipulate the election machinery, and wanted to do it in republican localities, they totally reversed the vote, and in their own parishes, where they did not use it, their own vote fell off.

Now, sir, with respect to four parishes which the Senator from Wisconsin seems to think ought scarcely to have been admitted, because the testimony showed that the returns were forged, they only showed two hundred and thirty-odd majority for Mr. Kellogg. Let us throw them out and that only loses Mr. Kellogg 230 votes! They were forged for the purpose of depriving Mr. Kellogg of his legitimate majority in those parishes of nearly 5,000 votes, as shown by the previous elections. It would therefore suit very well to show that they were forged, and throw them out, because that takes away so many majority for Mr. Kellogg.

Doubtless the Senate has long ago wearied of this story of fraud. It is a sickening and disgusting history, one which I would fain avoid recounting; but it is necessary to the line of my argument, and after an allusion to one more glaring instance I will pass to other points. The report of the State registrar of voters shows that the vote of the parish of Orleans by the census, not including unnaturalized persons, should be 29,435. The fusion party registered 55,385 voters and counted the votes of 36,359; whether they actually voted or not is another question.

Such are only a few instances of the frauds shown by the testimony in the report. The whole book is filled with them. They were all perpetrated by and in the interest of the fusion party, for no members of the republican party were allowed as officers of the election. And it is upon such returns as were made through these instruments of fraud that the Senator from Wisconsin asks us to say that William P. Kellogg was not elected governor of Louisiana in 1872.

Let us from the record we have follow these returns, and judge of how much value they possess as giving an authentic account of the votes cast at the election. They first make their appearance in Governor Warmoth's testimony on pages 140, 141, 142. The governor says there that they came into his possession about the 14th of November; that he laid them before a certain board; that he took occasion to count some of them for the purpose of seeing who were elected presidential electors, and so certified himself. He also testifies that he counted them for the purpose of ascertaining who was elected a judge to a certain court wherein he wished a friend of his to be installed; and he goes on to testify that he kept possession of those returns until the 4th day of December; and yet in a subsequent part of the testimony he says that these returns were out of his hands on the 14th day of November and went into the hands of a returning board!

By following up Governor Warmoth's testimony upon page 494, it is evident that he maintained only a nominal custody of these returns. On page 1079 he says they were compiled by twenty-five or thirty clerks. On page 834 he says that he himself, unaided by any one, either clerks or members of a returning board, counted the whole vote for judges in the parish of Orleans.

The precise time when these returns, which are anything else than true returns of the election in Louisiana, were transferred from the Wharton board to the De Ferief board does not appear, and reference to their having been so transferred is only necessary to show that they were manipulated by still other parties before they finally found their way into the hands of the Forman board; from the governor to one board—then counted solely by himself—then through the compilation of thirty clerks to another board, the Forman board. The chief of this board testifies, on page 75, that his board was elected on the 11th December by the senate; not before noon of that day, it is presumed; and yet before midnight of that same date, within twelve hours of his becoming a member of the board, he and some of his associates compiled, counted, and returned under oath a mass of returns in manuscript that require sixty pages of this closely printed book to contain them. How much scrutiny did Mr. Forman and his associates give or have the opportunity of giving to these returns? Is it not evident that the thirty clerks, many of them the dirty instruments used behind the ballot-boxes on the day of the election, had compiled the returns to suit, and the Forman board, eager to declare their party successful, compounded with their consciences and made oath to facts of which they had no knowledge? Moreover, these returns profess to be signed by two men, Senators Todd and Hunsaker, and I hold their affidavits that they never did sign them. Their names are forged.

Some of the adventures of these returns were ludicrous enough. It having become necessary to remove them from the governor's office to prevent them from falling into the hands of the officers of the law, trusty henchmen were called into service, and during three nights and days the authentic (?) returns of the famous election in Louisiana were transferred by them to a place of hiding. In their pockets, in their pantaloons legs, in their boots, their hats, the reliable evidences of the expressed will of the people were sacredly transported. As one of the party tells me, "We went into the governor's office thin and came out fat!" They went in skeletons and came out Falstaffs. Their clothes were wadded with these authentic returns of the election in Louisiana. And then what did they do with them? They took them for safe-keeping to the quarters or the residence of a prominent candidate on the State ticket and left them in his charge a week for safe-keeping! They must of course have been very sacredly kept. Of course when they are brought here the parties that are interested in establishing them can with a deal of complacency appeal to these as the returns of how the people in Louisiana voted on that day. Why, sir, they were pointed out to one of these gentlemen in the room of the Committee on Privileges and Elections; and the committee asked him if he knew those returns. Yes, he said, he did know them; he knew them exactly like a gambler knows his cards, by the backs. He knew they were put there, and without opening the box he said he knew those were the returns. Why? Because he came there prepared to say that he knew they were the returns.

And it is upon such vagrant testimony as this that the Senator from Wisconsin gravely asks us under our obligations as Senators to declare that William P. Kellogg was not elected governor of Louisiana. He has woven such a mesh of legal technicalities around the subject, made such a conglomerate of returns, legal decisions, parallel cases, precedents and orders of Federal judges, that men of ordinary reason are almost diverted from contemplation of the one great, important fact—the fact paramount to all others—whom did the people of Louisiana elect governor?

Sir, I am sick of returns; one set is all a fraud, the other is all guess-work. I claim nothing by returns; but by the voice of the sovereign people of Louisiana, as expressed at the ballot-box, I maintain that the republican State ticket was elected, and no Senator here has, nor has the Senate itself, any evidence worthy of estimation to the contrary.

Two men were voted for as governor. All the proof that John McEnery was elected is shown to have been an organized fraud. If McEnery was not elected, his opponent was, and I repeat again that Congress cannot say to the contrary.

In the New Jersey case to which I have alluded, and which will be found reported in Reports of Committees, first session Twenty-sixth Congress, and in the eighth volume of the Congressional Globe, there were five rival candidates on each side claiming seats in the House of Representatives, and upon the admission of one or the other side depended the election of a Speaker. There were one hundred and sixteen democrats and one hundred and sixteen whigs returned to that Congress irrespective of the vote of New Jersey, which was at that time entitled to five members in the House. Both of the contesting parties from New Jersey bore certificates based upon returns made according to the laws of New Jersey. Congress assembled on the 2d of December, 1839, and the question as to the rights of the New Jersey members was not decided until the 8th day of July following; and that question was not decided upon any return made by election officers, but commissioners were sent into New Jersey who patiently examined the voters themselves, and that examination determined who was and who was not elected. Returns went for nothing in the case; it was decided by an examination of the voters themselves. The inquiry went to the fact as to how ballots were cast, and was not satisfied with returns.

Mr. President, it is a principle of the law of evidence "that the affirmative of the issue must be proved; and he who makes an assertion is the person who is expected to support it, before he calls on his opponent for an answer."

I submit that the Senator from Wisconsin has not supported the facts alleged in the preamble of his bill. Congress dare not with the evidence before it overturn the government of a sovereign State. The right to interfere is not warranted by the facts that alone can make that right. Will you do any less for Louisiana than convince yourselves what was the choice of her people?

The Senator from Wisconsin has pictured some dire events that might arise from the failure of Congress to interfere in this matter. Let me picture another dire event that might have arisen. Suppose in the returns of the electoral vote for President in 1872, 179 votes had been returned for General Grant and 179 votes for his opponent, be it Greeley or Gratz Brown, and suppose then that the presidential election had depended upon the eight votes of Louisiana, would you have admitted the presidential electors by the returns sent here by the fusion board? Would you have ordered a new election? No, sir; but you would have held this Government by the point of the bayonet until you ascertained how every man in that State voted, and I claim that you shall do Louisiana the same justice here that you would have done the national Government in ascertaining what was the choice of its people. You would not have permitted for one moment a determination upon returns so loaded with fraud as I have illustrated here, but the whole power of your Government would have been exerted to

maintain itself until you could know what was the wish of the people of Louisiana; and I ask you to do the same for us.

Mr. President, the conclusions to which my mind is drawn by a consideration of the facts before the Senate are as follows:

The bill of the Senator from Wisconsin is predicated upon the assumption that there is no *valid* executive in Louisiana, and her laws do not permit one to be chosen until 1876; that there is no valid Legislature, but an *invalid* one now enacting laws.

But the Legislature is no longer enacting laws, and the laws of Louisiana will compel the election of a new one quite as soon as we could provide one.

We have no shadow of excuse, therefore, for interfering with *more*, than the executive.

We have no shadow of excuse for ordering a new election for the executive, merely because the wrong man is holding.

If we have power to dispossess the wrong man, we have power to possess the right one.

Before we can order a new election, we must find, not merely that Kellogg was *not* elected, but that no one was elected in 1872.

We know that an election was held on the day appointed by law.

We know that but two candidates were voted for. We are morally certain that one or the other had the greatest number of votes.

If it be conceded that the State has no Legislature, we must presume they will have one in November next.

And we morally know that Kellogg or McEnery was elected, and if we have any duty in the premises, it is the duty of finding *which* was elected.

That question has not been tried as yet. The Committee on Privileges and Elections tried the question whether McMillen or Ray was Senator. Another question was referred to the committee, but it was not investigated. Such testimony was taken as McMillen offered upon one side, and Ray upon the other.

The bill now sought to be referred to the committee is neither warranted by the facts, nor applicable to the political condition of affairs in Louisiana.

The opponents of the present administration in Louisiana, led here by the Senator from Wisconsin, are not insisting upon what they should claim as their rights, if they have any rights at all. Balked in the fraudulent scheme whereby they sought to capture the control of a State, they implore Congress now to afford them another opportunity.

Sir, if they believe that they are in the majority in Louisiana they know they will have an opportunity ere long to prove it. If they believe that McEnery was elected they should demand, and be satisfied with nothing less than that he should be possessed of the executive chair.

I am convinced that Mr. Kellogg was elected, and my efforts shall be continued to maintain him where he is. Did I think otherwise I would not hesitate a moment to bring forward measures looking to the installation of the rightful governor; but a new election ordered by Congress is no remedy for the evils which are complained of by those who favor it.

Now, Mr. President, I will pass from the politics of Louisiana and refer somewhat to her material and social interests. It has been the common charge rung throughout this country that the republicans of the South were responsible for the decay and the detriment and the disaster that prevail through many of those States. True, we are to a certain extent responsible. Let us understand what that extent is, and let us be judged by the facts that each Senator representing a State can present for consideration here.

The oppressed condition of the industrial and agricultural interests of Louisiana and the prostration of the commercial business of New Orleans are referred to as the results of republican misrule. Even these adverse circumstances are much exaggerated, and it is a gross error to attribute them as mainly due to political causes. We all know that whenever material prosperity lags, all people, and more particularly our people, address their first complaints against the administration of their government. This is the necessary consequence of our institutions. Dissatisfaction takes shape instantly, as opposed to the governing power, and the first thought of relief creates an expectation that a change of political control will insure it.

There is a maxim applicable here, and one which we will do well to consider in its application to the distress prevailing throughout the land, the spirit of which is likely to control in a great degree the political events of the next few years. It is said—

Murder a man's family and he will brook it,
But keep your hands out of his breeches pocket.

When the people of this country are distressed they will call us to account because their pockets suffer; and it is well for us to consider that maxim in its application to the country at large. That is a maxim which is influencing Louisiana in the complaints that the political management of that State has brought all its distress upon it. And yet the people of Louisiana should consider what are the causes of the distress prevailing there, and by the record decree to whom political evils are attributable.

I shall only speak now of the financial affairs of the State. That agriculture has not of late yielded adequate remuneration to those engaged in it is due to failures of crops and other causes, and it has been in no way affected by late political events. The misadjustment

of the relations of labor and capital also for a time has been prejudicial, and will continue to work injury until better regulated.

But in looking at the immediate condition of the finances of Louisiana, in considering the extent of the debt of the State, it is well to inquire whether it is due to the republican party, and whether its exclusion from power would bring about a change for the better.

There has been a good deal of confusion as to the debt of the State of Louisiana. I present here the net debt of the State, without any reference to contingencies, many of them having become obsolete by the lapse of the legislation that made them, and I shall call the attention of the Senate and of the country to the fact that when the State of Louisiana was relieved from military control and remitted to the control of the Legislature called into being under the policy of Andrew Johnson, the debt of that State was \$5,018,635.14.

Under Mr. Johnson's policy we had a democratic Legislature. It commenced its existence on the 1st of January, 1866, and it held one session in that year, and held another in 1867, so that the total existence of the Andrew Johnson policy in the government of Louisiana was of eighteen months' duration, for it was suspended by the act of reconstruction of July 19, 1867. In eighteen months the democratic party of Louisiana, it being exclusively democratic, added \$9,000,000 in round numbers to our debt, or, to give the exact figures, \$8,997,300. A republican administration extending from April, 1868, to the present time has increased the debt of Louisiana \$10,077,471.86. The "Andrew Johnson policy" Legislature increased our debt, \$8,997,300, as I said. The first republican Legislature appropriated \$8,911,488, but did not increase the debt that much. The second republican Legislature appropriated \$9,607,282, and the last republican Legislature during its existence, this Legislature that you are told is squandering the substance of the people of Louisiana, got along with one-half of the amount required by either of its predecessors, namely, \$4,875,269, during the two years of its existence. Senators must bear in mind that the expenditures of the State of Louisiana are something enormous, attributable to the topographical formation of the State, and the necessity of protection against overflows that are now, as I speak, inflicted on those people, rendering necessary an expenditure for levees alone annually almost of as much money as would run an ordinary Commonwealth in this vicinity.

The administration there has been criticised for what is called a repudiation of the debt. With a debt of \$24,000,000 in that State, quite half of which is due to the democratic party, a great portion of it due also to the unfortunately dilapidated condition in which our levees were left at the conclusion of hostilities in that direction, and to the necessity that devolved on us to repair them—with such a debt oppressing us what was to be done? We had the alternative to pay, to repudiate, or to compromise. The property-holders of that State, who are in the main the democratic party, took counsel together. Some of them recommended repudiation; some of them recommended the scaling of the debt; and they finally, through the instigation and by the suggestion of the chamber of commerce, submitted a bill to be acted upon by the Legislature scaling the debt down to sixty cents, so that, although this somewhat questionable expedient has been entered into and adopted by a republican Legislature, it was done at the request of and in the interest of the democrats, and they must not take exception to it.

Mr. CONKLING. How is it with people out of the State, creditors; are they to take exception to it?

Mr. WEST. No; they had better take sixty cents, because if the democrats get into power they will not get a cent. [Laughter.] How that action was viewed by the chamber of commerce, a democratic institution, I will show.

Mr. Sandidge offered a resolution of thanks to the Legislature, commending them for passing the funding bill and the evident intention shown toward measures in the interest of reform.

Mr. Oglesby said such a resolution ought to pass. The chamber had advocated the measure, and it was due to the Legislature to thank them for their action. * * *

The Legislature had acted more favorably toward the bondholders than toward us. If they had made it 50 per cent. it would have been an even thing; as it was they gave them 10 per cent. the advantage. The Chattanooga bondholders were the only ones who complained.

So the chamber of commerce wanted the debt of the State cut down to fifty cents on the dollar, and the republican Legislature said "no; we think we can pay sixty, and we will make it sixty." Now, sir, I know what the sentiment of the people of that State is in regard to that measure. I know that it meets almost universal approval there, and where it is disapproved it is by those who, if they had the power, would relieve themselves of what they consider a terrible and unjust incubus, and would repudiate every dollar of it.

Mr. President I want now to speak of the condition of business affairs in New Orleans. I want to give my convictions that the interruption to business in Louisiana, and especially in New Orleans, is not mainly due to political causes. I can remember the time when every pound of goods almost that was consumed west of the Alleghenies, and the exception was so rare that the remark is justifiable—"every pound" was transmitted to that region by way of New Orleans. The first time that ever I raised my hand to earn my own living I did it on the Delaware River, in loading five hundred barrels of flour to go by the way of New Orleans to the city of Saint Louis in 1838. Whole ship-loads would go to that city of goods bought in New York and Philadelphia and Baltimore and Boston, for Saint Louis,

Louisville, Memphis, and Cincinnati, and whole steamboat-loads would come down with produce that is now transmitted by railroad, by the transcontinental lines of communication; so that in the mere matter of forwarding in New Orleans the great supplies to the West and the great products of the West sent back to us we had a large and industrious community engaged.

Furthermore, we had a market there for western merchants. They used to resort there. We had our palatial dry-goods stores, our extensive hardware stores, our extensive boot and shoe trade, now gone to a great extent. But why gone? From political causes? Not altogether. At the outbreak of the war, or shortly before it, the railroad lines were just about perfecting a communication across the continent, and that means of communication, the direct resort of merchants to New York and the large cities of the East, competed materially first with our lines of transportation, and next with our resources of supply. New Orleans was already beginning to feel that the Mississippi had more mouths than one, and that she did not sit the queen of empire at the mouth of the great river. So it was. The war came on, closing up the mouth of the Mississippi River, closing up the dry-goods trade, the grocery trade, the boot and shoe trade, and the hardware trade, paralyzing the South and electrifying the North; and when business was resumed there, at the close of the war, we found that our customers had all gone North. Our lines of communication were broken up. And we did more than that, Mr. President; we discouraged northern capital from coming among us by refusing to consort socially with any man who differed politically with the majority of the white people there. These are some of the causes to which the decay of business in New Orleans is attributable. I feel them and I know them.

I saw that city years ago when it was a mart busy with all the energies of commerce, now to a degree paralyzed and its property lying vacant and seeking for tenants through the bigotry, in a great measure, and the prejudices of her people.

Again, the debt of the city we are taxed with as a great abuse; that is radical or republican dereliction again. Sir, we never had a republican administration in that city that did not diminish the debt, and when we have had democratic administrations there the people have almost besought the republicans to take the government out of their hands that they might even save the very paving-stones from being sold out of the streets.

I have shown that the evils under which Louisiana suffers are not altogether due to political causes, and for all political mismanagement the opponents of the republican party in that State are quite as much responsible as that party itself; and I have shown that if Congress has any duty to perform in the premises it is the duty of ascertaining who is the legal governor of Louisiana; and before I conclude let me just say a few words in reply to the braggart boast that were it not for the Army of the United States the government of Mr. Kellogg could not be sustained a moment in that State.

Sir, I do not with any zest want to recall to the Senate the outrages that have been perpetrated there; but I ask the Senate and I ask the country, in view of the innumerable lives that have been sacrificed there since 1866, whether four hundred and seventy-six troops are any too many to preserve tranquillity and to repress outrage and crime in that State? Are they any too many to execute the laws—the mere revenue laws of the United States? And suppose they are kept there for the purpose of preserving tranquillity, suppose that if they were taken away the Kellogg government would not stand, why would it not stand? Sir, the Kellogg government will stand. It will stand forever, or republican government will stand as long as the people in that State are of their present mode of thinking; until you invite a war of races and arm the negro there. I tell Senators that 90 per cent. of the republican party in my State are colored people. Can we arm them to defend themselves against the minority, the whites? And a Senator on this floor brings in a bill to remit Louisiana to a state of civil war! No, sir; the people there are your wards. You have made them so by your enactments; and it is due to them that you should protect them. But if the men who oppose the government of Mr. Kellogg will meet us on the result of a fair election, we will meet them on that issue, but some of us—and they know it—are debarred from taking arms in our hands.

Now, Mr. President, does the bill of the Senator from Wisconsin meet this case at all? Is there any ground for it? Can Congress interfere? And would not every man who should give his dispassionate judgment and reflection to this case be satisfied, as I am, that Mr. Kellogg is the legitimate choice of the people, and should be left there to exercise the powers conferred by the people?

I am obliged to the Senate for their attention.

The bill was reported to the Senate without amendment.

Mr. HAMILTON, of Maryland. Mr. President—

Mr. WEST. Will the Senator allow me to read a telegram on a matter that was controverted here in the course of the remarks which I made? It is from Governor Kellogg, governor of Louisiana:

I am informed that some parties have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate the same hereafter, which repeals the new election law. This is false. We can have a fair election under the present law. This is all republicans ask, and it is what the democracy hate.

Mr. HAMILTON, of Maryland. Under what present law, I would ask the Senator from Louisiana—the one passed when?

Mr. WEST. The law passed at the last session, and which has been promulgated within a few days.

Mr. STEVENSON. Do I understand Governor Kellogg to deny as a matter of fact that such a repealing act has been passed? I have received from a very respectable gentleman in Louisiana a dispatch telling me that Governor Kellogg holds in his pocket a bill repealing the election law referred to by the Senator from Louisiana. Now, I desire to ask the Senator from Louisiana whether the Legislature of Louisiana did not repeal the bill to which he referred?

Mr. WEST. I reply to the Senator from Kentucky—

Mr. STEVENSON. I am not asking about Kellogg; I want to know the fact whether the Legislature have not passed an act repealing that act to which the Senator from Louisiana referred.

Mr. WEST. And I reply to the Senator that if such is the case it is a matter of which I have no knowledge whatever, and I have the governor's telegram here, which I will put in my speech, saying that it is not so.

Mr. HAMILTON, of Maryland. Please read the telegram again.

Mr. WEST. I will send it to the desk to be read.

The Chief Clerk read as follows:

I am informed that some of the "last-ditchers" have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate hereafter, which repeals the new election law. This is false. We can have a fair election under the present law. This is all republicans ask, and it is what the democracy hate.

W. P. KELLOGG.

Mr. HAMILTON, of Maryland. If I understand that telegraphic dispatch, he says he has no such bill before him. But has such a bill been passed? He may not have it before him; and yet it may have been passed.

Mr. MORTON. I think that is a pretty square denial. The statement was made here to-day that on the last day of the session of the Legislature a bill had been passed which he had put into his pocket and had not signed, intending to hold it until after the controversy was over. I never heard of that until to-day, and I should be greatly astonished if it was true, and should regret it. I think that telegram is intended to meet that statement. He says that he holds no such bill.

Mr. HAMILTON, of Maryland. The statement may have been stronger probably than was intended by the Senator from Indiana about his having it in his pocket. There has been a pamphlet just laid on our tables, and I will take occasion to read from it so as to show what a gentleman by the name of F. C. Zacharie says on the subject; whether true or not, of course I cannot undertake to say:

True, the usurping legislature passed an act repealing the act of 1873, and placing the power of appointing officers of registration and election in the hands of police juries of parishes and councils of cities. This was done in order to produce the impression on the mind of Congress that a fair election could be held under the regular State laws, and to convince them that no further relief was needed. But with unblushing effrontery the usurping legislature passed another act repealing the repealing act, and placing the power back in Kellogg's hands, and these two acts now await his signature, which he can affix constitutionally any time before the next meeting of the Legislature, so that he has it in his power to reinvest himself with the full control of that election. Besides this, the regular constitutional election in November will leave all the usurping senators, and all State officers not elected in the fall of 1872, in power, and Congress can no more recognize this rump with consistency than it can now recognize it attached to the holding-over senators.

The information is derived from that source and from others. I heard of it yesterday. Whether it is true or not, I do not know.

Mr. STEVENSON. Will the Senator from Maryland allow me to read an extract from a letter which I have from Mr. Zacharie himself? He says:

The Legislature passed an act repealing the election law of 1873, putting the appointment of supervisors of registration and election back in the hands of the police juries and the common council where it was placed by the act of 1872. This was done in order to furnish an argument at Washington that there would be a fair election under the State law in 1874. Subsequently the Legislature passed another law repealing that act which they had just passed, so that if Congress fails to act, all that Governor Kellogg has to do is to take the last act from his pocket at any time before November 5, 1874, and sign it, and all the power will be again where it was under the obnoxious act which was repealed.

This letter is from F. C. Zacharie, who signs his name to it and pledges himself to the truth of the statement. I know nothing more about it.

Mr. WEST. The only authority that we have that such is the case comes from the other side of the Chamber. Our side do not agree with it. But suppose it is so; I say that that side is estopped from complaining against the election laws of Louisiana because they have used them to their advantage.

Mr. HAMILTON, of Maryland. That is coming to the point—

Mr. WEST. I know nothing about the fact, but the complaint against it does not come with very good grace from the parties that adopted the law.

Mr. HAMILTON, of Maryland. That is another matter. I have nothing to do with Mr. Warmoth. He is not my man, I want the honorable Senator to understand. The relations of Governor Warmoth a few years ago were probably entirely different from what they are now. However, I have nothing to do with that, and I do not want anything to do with it. Kellogg says simply, as I understand his dispatch, there is no such act before him.

Mr. BAYARD. It is a clear evasion.

Mr. STEVENSON. Does the Senator from Louisiana say that they have passed no such law?

Mr. BAYARD. If we can gather any meaning from the remarks of the Senator from Louisiana, it is an admission that these two acts have been passed, one act professing to repeal the old election law and one repealing the repealing act; so that they can be produced from the pocket of this so-called governor on the eve of the election, and all this machinery which makes fraud in elections not only possible, but highly probable, will then be re-enacted should Mr. Kellogg be permitted to occupy the place he now does.

Mr. WEST. The Senator from Louisiana does not admit anything of the kind.

Mr. BAYARD. No, sir, he does not admit it; he has not the candor to state the fact. He merely says that he does not know as to the facts. He, professing to speak with special knowledge of the truth of facts in Louisiana, says here to-day in the presence of the Senate that in regard to this most important fact he has no knowledge whatever.

Mr. WEST. And he says the truth; he has no knowledge of it. He does not qualify it in any way. He never heard of it. It is new to him. That is what the Senator from Louisiana means without equivocation or reservation in any way.

Mr. BAYARD. It is a confession, then, of ignorance in regard to important facts which he certainly should have knowledge of before he undertakes to speak in regard to them.

Mr. HAMILTON, of Maryland, addressed the Senate. Having spoken for an hour,

Mr. SPRAGUE. If the Senator from Maryland will give way, I desire to move for an executive session.

Mr. HAMILTON, of Maryland. I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

[The speech of Mr. HAMILTON, of Maryland, in full, will be found in the Appendix.]

PRINTING OF A REPORT.

On motion of Mr. ANTHONY, it was

Ordered, That one hundred copies of the report of the Committee on Printing on the memorial of the employing printers of Washington City be printed for the use of that committee.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 15, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels;

And act (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers;

An act (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton;

An act (H. R. No. 1930) to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian reservation, in Minnesota, on which is situated their church and other buildings;

An act (H. R. No. 1942) authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list; and

An act (H. R. No. 2186) granting an American register to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

CLERICAL FORCE OF WAR DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the chief clerk of the War Department, in relation to the reduction of the clerical force in that Department; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

DEPUTY SURVEYORS OF PUBLIC LANDS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a petition of deputy surveyors of public lands asking for an appro-

priation; which was referred to the Committee on Appropriations, and ordered to be printed.

ESTATE OF MAJOR WILLIAM B. SCOTT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation to pay the claim of the estate of Major William B. Scott; which was referred to the Committee on Military Affairs, and ordered to be printed.

BLACK BOB SHAWNEE INDIAN LANDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, in relation to the bill (H. R. No. 1725) providing for the sale of lands of the Black Bob Shawnee Indians of Kansas; which was referred to the Committee on Indian Affairs.

MISSION INDIANS, CALIFORNIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, in relation to an appropriation for the relief of the Mission Indians in California; which was referred to the Committee on Indian Affairs.

MEMPHIS AND VICKSBURG RAILROAD COMPANY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 103) granting to the Memphis and Vicksburg Railroad Company the right of way along the river bank at the national cemetery at Vicksburg; which was referred to the Committee on Military Affairs.

PAYMENT OF TROOPS BY CHECKS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War inclosing a letter from the Paymaster-General, stating in full the objections to the scheme of making payments to troops by checks as provided for in House bill No. 546; which were referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF THE MOUTH OF THE COQUILLE RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, in relation to the survey of the mouth of the Coquille River, Oregon; which was referred to the Committee on Commerce, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. BERRY. I rise to a question of privilege. Having been unavoidably absent yesterday, I wish to state that if I had been present I would have voted "no" on the passage of both the currency bills.

MORNING HOUR.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The regular order of business is the call of committees, and the morning hour begins at fifteen minutes past twelve. Reports are first in order from the Committee on Mileage.

ABOLITION OF MILEAGE SYSTEM.

Mr. BUNDY, from the Committee on Mileage, reported back a bill (H. R. No. 1243) to abolish the system of mileage, with the recommendation that it do pass.

The bill was read. The first section provides that after the passage of the act all allowance for mileage to Senators, Representatives, and Delegates shall be thereby abolished. The second section provides that in lieu thereof each Senator, Representative, and Delegate shall be entitled to receive his actual traveling expenses to and from Washington once each way for each session of Congress.

Mr. BUNDY. I demand the previous question on the engrossment and third reading of the bill.

Mr. HALE, of Maine. Is not the bill subject to a point of order?

The SPEAKER. What point of order does the gentleman make?

Mr. HOLMAN. It keeps money in the Treasury.

Mr. CLEMENTS. The point is that it does not make an appropriation, if there be any point against it at all.

Mr. HALE, of Maine. My point is that it takes money from the Treasury. Gentlemen say it does not. Of course it may or may not, but it is not for us to settle that question at this time.

Mr. HOLMAN. This bill does not increase the pay, but on the contrary reduces it. It has been suggested by the gentleman from Maine that the Chair cannot state whether this bill makes an appropriation or not, or whether it increases the expenses of the Government or not. Now, I submit there are some things the Chair will take notice of just as a court must take notice judicially of certain things, and the Chair knows that instead of this taking money from the Treasury it on the contrary retains money in the Treasury.

Mr. HALE, of Maine. That may be or may not be.

Mr. CLYMER. But it does.

Mr. HOLMAN. It does retain money in the Treasury, as the Chair knows.

The SPEAKER. The Chair thinks the bill may be considered now in the House.

Mr. BUNDY. I demand the previous question on the engrossment and third reading of the bill.

The SPEAKER. The ayes have it by the sound.

Mr. COBB, of Kansas. I ask for a further count.

The SPEAKER appointed Mr. BUNDY, and Mr. HALE of Maine, tellers.

The House again divided; and the tellers reported—ayes 67, noes 81.

So the House refused to second the demand for the previous question.

Mr. MAYNARD. I move to recommit the bill.

Mr. RANDALL. I move to lay the bill upon the table, as a test vote.

Mr. HOLMAN. I trust the gentleman from Pennsylvania will not make that motion, because the motion to recommit will serve as a test just as well as the motion to lay upon the table; and on that motion I demand the yeas and nays.

Mr. RANDALL. I withdraw the motion to lay upon the table; but I wish to call the attention of the House to the fact that the opposition to this bill comes from a most remarkable quarter, the gentleman from Maine, [Mr. HALE,] who has been instrumental in reducing our salaries.

The SPEAKER. The opposition comes from the gentleman from Tennessee on a motion to recommit. The gentleman from Indiana demands the yeas and nays on that motion.

Mr. HOLMAN. As a test vote.

The yeas and nays were ordered.

Mr. YOUNG, of Georgia. I move to lay the bill on the table.

Mr. GUNCKEL. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken on laying the bill on the table; and there were—yeas 63, nays 170, not voting 57; as follows:

YEAS—Messrs. Averill, Barber, Bell, Bradley, Buckner, Burchard, John B. Clark, jr., Stephen A. Cobb, Corwin, Crouse, Crutchfield, Darrall, Donnan, Eldredge, Farwell, Garfield, Giddings, Hagans, Eugene Hale, Robert S. Hale, Hancock, John B. Hawley, Hays, Gerry W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Hubbell, Hunter, Hurlbut, Kendall, Knapp, Lamar, Lynch, Marshall, Martin, Alexander S. McDill, McKee, Morey, Nesmith, Orth, Packard, Parsons, Pelham, Purman, Rainey, Rusk, Sawyer, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sloss, George L. Smith, Strait, Sypher, Walls, John M. S. Williams, William Williams, Willie, and Pierce M. B. Young—63.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Atkins, Banning, Barnum, Barrere, Bass, Beck, Begole, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Clayton, Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Curtis, Danford, Davis, Dawes, DeWitt, Duell, Dunnell, Durham, Eames, Eden, Fort, Foster, Freeman, Frye, Gunckel, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, John W. Hazelton, Hereford, Holman, Hooper, Hoskins, Howe, Hunton, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamson, Lampont, Lansing, Lawson, Lofland, Lowe, Luttrell, Magee, Maynard, McCrary, James W. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Randall, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Charles R. Thomas, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, James Wilson, Wood, Woodford, Woodworth, and John D. Young—170.

NOT VOTING—Messrs. Ashe, Barry, Bright, Benjamin F. Butler, Cain, Amos Clark, jr., Freeman Clarke, Creamer, Crocker, Dobbins, Elliott, Field, Glover, Gooch, Harner, Hathorn, Havens, Hendee, Hersey, Hynes, Killinger, Lawrence, Leach, Lewis, Loughridge, Lowndes, McLean, Moore, Morrison, Negley, Niles, O'Brien, Phillips, Potter, Pratt, Ransier, James C. Robinson, Sloan, Small, J. Ambler Smith, William A. Smith, Snyder, Standiford, Stephens, Stowell, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thornburgh, Todd, White, William B. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Wolfe—57.

So the House refused to lay the bill on the table.

Mr. HAZELTON, of Wisconsin. Would it be in order now to move an amendment?

The SPEAKER. It would not. The gentleman from Ohio [Mr. BUNDY] has the floor to demand the previous question.

Mr. BUNDY. I demand the previous question on the motion to recommit.

Mr. MAYNARD. I rise to make a parliamentary inquiry. The previous question is called, as I understand, on the motion of recommitment only.

The SPEAKER. That cannot be done. If the previous question shall be seconded the first vote will be on the motion to recommit; and if the House should negative that motion the previous question goes on operating until the engrossment and third reading of the bill.

Mr. MAYNARD. So that it will be impossible to submit any amendments, or have any discussion of the bill?

The SPEAKER. If the House shall second the demand for the previous question, it will.

Mr. RANDALL. Why, it has been discussed for fifty years.

A MEMBER. And has been defeated for fifty years.

The question being taken on seconding the demand for the previous question, there were—ayes 86, noes 56; no quorum voting.

Mr. MAYNARD. I call for tellers, and, pending that, I desire to make a parliamentary inquiry of the Chair. Suppose the previous question should not be seconded, what would be the first vote?

The SPEAKER. The first vote must, in any event, be on the motion to recommit.

Mr. MAYNARD. Very well; suppose we take that vote without having the previous question ordered and the motion to recommit

should not prevail, would that leave the bill open to be amended, if any gentleman desired to amend it?

The SPEAKER. But the gentleman from Tennessee will observe that it is impossible to take the vote on the motion to recommit, without the previous question, except by unanimous consent. For, unless the previous question is operating, the motion to recommit is a debatable motion; and if the previous question were not seconded, the Chair would have to assign the floor so long as any gentleman claimed it.

Mr. MAYNARD. I do not understand that anybody wants to debate the bill.

The SPEAKER. Of course gentlemen would be entitled to debate the bill if the House should not second the demand for the previous question.

Mr. PAGE. I desire to make a motion to strike out the second section of the bill.

The SPEAKER. That cannot be done now.

Mr. HOLMAN. Was not the call for tellers too late?

The SPEAKER. No quorum voted. The Chair appoints as tellers Mr. BUNDY and Mr. MAYNARD.

The House divided; and the tellers reported—ayes 92, noes 61.

So the previous question was seconded.

The SPEAKER. The Chair will direct the reading of the rule in regard to the previous question.

The Clerk read as follows:

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, (except that the member reporting the measure under consideration may close the debate, and the every-day practice since), and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made.

The SPEAKER. That is the case now. The effect is to bring the House to a direct vote on the motion to commit, which is now pending. The Clerk will continue the reading.

The Clerk read as follows:

And if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion.

Mr. HALE, of Maine. I rise to make a parliamentary inquiry. If the yeas and nays should be called on the motion to recommit, and that motion should be carried and the morning hour expire during the call, will anything be gained as to time? Will not the committee be able to report the bill again to-morrow morning so that the question will come up again on the bill?

The SPEAKER. Of course.

Mr. HALE, of Maine. I only asked the question because, if that is so, we may as well settle the matter here.

Mr. RANDALL. It has to be settled.

Mr. HALE, of Maine. I am opposed to the bill because the House have already settled all this matter of salary and mileage once, and I doubt whether it is desirable to reopen the question.

Mr. PARKER, of New Hampshire. I object to debate.

The main question was ordered, being upon recommitting the bill.

Mr. HOLMAN. I desire to withdraw the call for the yeas and nays.

The SPEAKER. The yeas and nays have been ordered; but if there be no objection the call will be withdrawn.

No objection was made.

The question was taken on the motion to recommit the bill; and it was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. HOLMAN, and Mr. BUTLER of Tennessee, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 49, not voting 54; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Atkins, Banning, Barber, Barnum, Barrere, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Brown, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crouse, Crutchfield, Curtis, Danford, Davis, DeWitt, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gunckel, Hagans, Hamilton, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, Hodges, Holman, Hoskins, Hunter, Hunton, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamson, Lampont, Lansing, Lawson, Lofland, Lowe, Luttrell, Magee, Martin, McCrary, James W. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Randall, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, St. John, Stone, Storm, Swann, Charles R. Thomas, Christopher Y. Thomas, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, James Wilson, Jeremiah M. Wilson, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—189.

NAYS—Messrs. Averill, Barry, Bradley, Bromberg, Burchard, Clayton, Stephen A. Cobb, Corwin, Darrall, Donnan, Eldredge, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, John B. Hawley, Hays, Gerry W.

Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Howe, Hubbell, Hurlbut, Kendall, Knapp, Lynch, Marshall, Alexander S. McDill, McKee, Morey, Nesmith, Packard, Purman, Read, Rusk, Sawyer, Shanks, Sloss, Strait, Walls, John M. S. Williams, William Williams, and Willie—48.

NOT VOTING—Messrs. Ashe, Buckner, Benjamin F. Butler, Cain, Freeman Clarke, Creamer, Crocker, Dawes, Elliott, Glover, Hathorn, Hendee, Hersey, Hynes, Killinger, Lamar, Lawrence, Leach, Lewis, Loughridge, Lowndes, Maynard, McLean, Moore, Morrison, Negley, Niles, O'Brien, Phillips, Rainey, Ransier, James C. Robinson, Isaac W. Scudder, Sheets, Sheldon, Sloan, Small, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Stowell, Strawbridge, Sypher, Taylor, Thornburgh, Todd, White, William B. Williams, Wilshire, Ephraim K. Wilson, and Wolfe—53.

So the bill was passed.

Mr. BUNDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I rise for the purpose of moving to go into Committee of the Whole on the state of the Union on the appropriation bill; but before doing so I will yield to several gentlemen who have matters to present which will not give rise to debate.

THE CURRENCY.

Mr. MELLISH, by unanimous consent, presented resolutions of the Union League Club of the City of New York, in reference to the currency; which were referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD.

The resolutions are as follows:

Resolved, That the Union League Club of the City of New York disapproves of any action of Congress which will tend to inflate the currency of the United States, as unjustifiable by exigencies of commerce, as a violation of all the rules of finance and as contrary to the express pledges to the people of this nation.

Resolved, That we cordially approve the action of the governor of this State in promptly and clearly presenting to the Legislature and to the people the great perils involved in the proposed inflation of the currency, and we cordially indorse and sustain the sentiments expressed in his message.

Resolved, That copies of these resolutions be forwarded without delay to the members of both Houses of Congress.

GEOGRAPHICAL AND GEOLOGICAL SURVEYS.

Mr. SHOEMAKER, of Pennsylvania, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Be it resolved, That the President of the United States be requested to inform the House what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each.

TIDE-FLATS IN D'WAMISH BAY.

Mr. ORR, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 2984) to relinquish the tide-flats in D'Wamish Bay to the city of Seattle, in the Territory of Washington; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

LOCATION OF THE CAPITAL.

Mr. BLAND. I ask unanimous consent to offer for consideration at this time the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring), That the system of mileage for Senators and Representatives in Congress be abolished, and that the capital be moved to a place most central for all parts of the Union, to be hereafter selected and agreed upon.

Mr. POTTER. Could not that be put upon its passage now?

The SPEAKER. It can be by general consent.

Mr. RICE. I ask that Chicago be inserted as the place where the capital shall be located.

Mr. CROOKE. I would name Cheyenne City as the most central point.

Mr. BLAND. If mileage is to be abolished, we want the capital at the most central point.

Mr. COX. I object.

Mr. BLAND. I give notice that I will introduce this resolution on Monday next, if I can get the opportunity.

NEW STATE DEPARTMENT BUILDING.

Mr. COX. I ask unanimous consent to submit the following preamble and resolution:

Whereas \$3,400,000 have already been appropriated by Congress for the new State Department now in course of construction in this city under the direction of the Supervising Architect of the Treasury; and whereas the said Supervising Architect now asks Congress to appropriate \$1,500,000 more, though the south wing walls, or one-sixth of the whole building, are not yet completed; and whereas it is evident that a very large amount of money is being spent in frivolous or questionable ornamentation; and whereas it is the opinion of competent judges that, estimating on the manner in which the work has been carried on, at least twelve years' time and \$30,000,000 will be required to finish the whole building; and whereas it is also the opinion of competent judges that the plan adopted by the Supervising Architect has very serious defects in it, and that the building if completed on that plan will not only be a failure but a reproach to our architects: Therefore,

Resolved, That the Secretary of State be, and is hereby, authorized to appoint a board of three well-known and competent architects, not in Government employ, residents of Philadelphia, New York, and Boston, respectively, whose duty it shall be to examine and report what means are necessary to insure a more economical method of doing the work, and also a plan for improving the external appearance of as well as the internal arrangement of the building.

Mr. GARFIELD. Let that preamble and resolution be referred to some committee.

Mr. COX. All I ask is that it be referred to the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. While I have no objection to the reference or to the final passage of this resolution, I wish to say that the statements in the preamble cannot have been made by competent judges; on the contrary, they must have been made by perfectly imbecile fools, who do not know what they talk about.

Mr. COX. I do not know what an imbecile fool is.

Mr. PLATT, of Virginia. I suppose the gentleman from New York [Mr. Cox] offers the resolution as it was handed to him.

Mr. COX. The gentleman can make his report upon the subject when he is prepared to do so.

No objection was made, and the preamble and resolution were accordingly referred.

JAMES ATKINS.

Mr. DAWES, by unanimous consent, reported back from the Committee on Ways and Means a bill (H. R. No. 2814) for the relief of James Atkins, late collector of internal revenue for the fourth district of Georgia; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

JOHN FRITZ.

Mr. BIERY, by unanimous consent, introduced a bill (H. R. No. 2985) authorizing the Commissioner of Patents to consider the application of John Fritz for extension of patent for rolling iron; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Patents.

INTRODUCTION OF BILLS.

The SPEAKER. The Chair does not make a personal application to any gentleman, but he desires to say that the morning hour of Monday is provided by the rules for the introduction and reference of bills. That morning hour ought to be abolished and thrown into the ordinary morning hour, for if gentlemen insist upon introducing bills for reference every day and thus obstructing business, it is no saving to the business of the House at all to have a morning hour on Monday for the reference of bills. The regular business of the House ought not to be interfered with by the introduction and reference of bills except during the morning hour of Monday, when the largest possible latitude is given for that purpose, unless some particular reason or equity can be shown why the ordinary business of the House shall be interrupted for that purpose. The Chair has endeavored to enforce the rule confining the introduction of bills to the Monday morning hour, but when a gentleman rises and ask unanimous consent for that purpose the Chair cannot very well object. But the Chair would take the responsibility of saying that one sturdy objector in this House would be of very great advantage to the business of the House.

Mr. BIERY. I desire to say that the bill I have just introduced was not in my possession on Monday last; that is the reason I introduce it now.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

ORDER OF BUSINESS.

Mr. GARFIELD. I now call for the regular order.

Mr. COBURN. I desire to say that some time since the 7th of April was fixed for the consideration of the bill for the reduction of the Army. That time has passed, the business of the Committee on Banking and Currency having occupied the attention of the House until now. I will not now insist that the House shall proceed to consider the special order, but I desire to give notice that immediately upon the disposition of the legislative appropriation bill I will ask the House to proceed to the consideration of the bill for the reduction of the Army.

Mr. DAWES. What is the order to which the Chair refers?

The SPEAKER. The bill for the reduction of the Army was on the 11th of March made a special order for April 7, at half-past one o'clock, to the exclusion of all other orders.

Mr. DAWES. And from day to day until disposed of?

The SPEAKER. From day to day until disposed of, to the exclusion of all other orders, except appropriation bills.

Mr. DAWES. Was it made a special order in the House or in the Committee of the Whole?

The SPEAKER. In the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question being taken on the motion of Mr. GARFIELD, that the House resolve itself into the Committee of the Whole on the legislative, executive, and judicial appropriation bill, the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative,

executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. When this bill was last under consideration in the Committee of the Whole the paragraph beginning on page 5, making appropriations for compensation of officers and employees of the House of Representatives, had been read so far as the word "dollars," on line 111. The Clerk will resume the reading of the bill at that point.

The Clerk read as follows:

Officer charged with disbursing of contingent fund, \$556; Chief Clerk and Journal clerk, \$3,000 each.

Mr. KELLOGG. I move to amend by inserting after the words "Chief Clerk and Journal clerk" the words "and two reading clerks;" so as to make the salaries of these officers \$3,000 each. If this amendment be agreed to I shall, when we reach line 116, move to strike out "ten" before the words "assistant clerks," and insert "eight," as that is the clause in which these two reading clerks are now included.

My reason for moving to make the salaries of these officers \$3,000 is that I think their labors in this House entitle them to have precisely the same pay that we agreed in the last Congress they should have. In connection with the reduction of our own salaries we have cut down these officers; but I think the very hard kind of work that they have to perform entitles them to the pay which in the last Congress we agreed to give them. I hope there will be no objection on the part of the Committee on Appropriations or any other members of the House to this amendment.

Mr. RANDALL. I think the amendment is eminently proper and just. There are no more faithful officers here, none performing more constant duty, than these reading clerks. I hope the amendment will prevail.

Mr. GARFIELD. Mr. Chairman, no man in this House can have a higher appreciation of the merits of our reading clerks than I have, and I should be exceedingly glad if it had been possible to let them pass by in the work of reducing salaries. The Committee on Appropriations, however, feel it their duty to remind the House that we have now reached in this bill the point where the increase of salaries began last year. It was with the officers in charge of our affairs in this House that the little beginning of the whole salary increase arose last year.

Now there is, as to the clause now under consideration, a real question in the mind of the Committee on Appropriations which we desire to raise, and which would have been raised on the moment. But in regard to the two officers embraced in the amendment, Congress plainly and unequivocally repealed the increase of salary as to them as well as to ourselves. The question is now merely whether we shall begin to reincrease salaries which, by the act of January 20 last, the House cut down. I hope we shall not have a long debate, but I desire the House to understand that this is the beginning of the work of reincreasing salaries.

Mr. KELLOGG. Notwithstanding our own salaries are cut down, I am perfectly willing to pay men according to their work; and I hold that these reading clerks are entitled to receive \$3,000, instead of the salary to which we have reduced them.

The question being taken on the amendment of Mr. KELLOGG, it was agreed to; there being ayes 104, noes not counted.

Mr. ALBRIGHT. I move to amend by inserting after the words "Chief Clerk and Journal clerk" the words "while such positions are held by the present incumbents, and no longer, \$3,600."

Mr. HOLMAN. I raise the question of order whether this paragraph is open to amendment before it has been read through.

The CHAIRMAN. The point stated by the gentleman from Indiana [Mr. HOLMAN] seems to be correct. The Clerk will read the paragraph through, and then the gentleman from Pennsylvania [Mr. ALBRIGHT] will be recognized.

Mr. GARFIELD. For convenience in considering the paragraph, I ask that we may treat each clause as a separate paragraph. I think this course will facilitate business; and it can be done if there be no objection.

Mr. HOLMAN. I shall not object as to this particular paragraph. Mr. GARFIELD. I apply the request to this paragraph only.

The CHAIRMAN. The Chair hears no objection, and the various clauses of the pending paragraph will be read and considered separately.

Mr. ALBRIGHT. My reason for offering this amendment is that the compensation of the Chief Clerk of the Senate is in this bill retained as it was last year, this clause being added: "while the present incumbent shall hold the office, and no longer." Another reason for the amendment is that the salary which it names is that which was fixed last year by this House for these officers, and surely their labors are no less now than they were formerly. The compensation they are now receiving is in fact less in some respects than it was before the action of the House last year. I presume this is well understood by members of the House, and that no further debate is necessary.

Mr. GARFIELD. The subject referred to in the amendment of the gentleman from Pennsylvania [Mr. ALBRIGHT] was before the Committee on Appropriations, and I am directed to say that the committee was divided in opinion as to the effect of the repealing law. I will state the question, and ask the House to determine it. The law

of March 3, 1873, named the Chief Clerk and the Journal clerk, and gave them an increase of \$600 so long as the present incumbents should hold the positions. The question was raised whether that increase was not a *peculium* to those officers, not an increase of salary belonging to the position, and whether the repealing act of January 20 swept away a peculiar grant like this to those peculiar officials.

We were inclined to think it had swept them away, and we left out the increase from the text of the bill. The proposition of the gentleman from Pennsylvania is to restore them. The committee were divided as to what the effect was, and without recommendation have submitted the question to the House.

The committee divided; and there were—ayes 47, noes 39; no quorum voting.

Mr. ALBRIGHT demanded tellers.

Tellers were ordered; and Mr. ALBRIGHT and Mr. GARFIELD were appointed.

Mr. KELLOGG. If I understand the amendment, it does not affect the amendment we have already adopted.

Mr. GARFIELD. It does not.

The CHAIRMAN. The amendment as offered does not affect the amendment already offered to the bill by the committee.

Mr. ALBRIGHT. What I propose is to do what we have already done regarding the Chief Clerk of the Senate. We do not propose to do any more for these clerks than has been done for the Senate clerks.

The CHAIRMAN. It is to put them back to the place they occupied before the repeal of the salary bill.

The committee again divided; and the tellers reported—ayes 65, noes 25.

So the amendment was agreed to.

Mr. WADDELL. I move to amend the same paragraph, after the amendment just adopted, by inserting after "reading clerks" the following: "assistant Journal clerk and tally clerk."

Mr. HOLMAN. I wish to ascertain what will be the effect of that amendment.

Mr. WADDELL. It is to give these clerks the same compensation as is given to the other clerks in the same paragraph. They are faithful and competent officers.

Mr. HOLMAN. That is increasing their salaries to \$3,600 a year.

Mr. RANDALL. No; it only raises them to \$3,000 each.

Mr. HOLMAN. The question is whether, after repealing these salaries at the demand of public sentiment, we shall go back and in the very same session of Congress restore them again.

Mr. RANDALL. That meant our salaries.

Mr. HOLMAN. If it were right to repeal the salary bill of the last session, a year ago, then it is not right we should restore all these increased salaries at this session.

Mr. WADDELL. The great difficulty about the increase of salaries was about its application to ourselves and not to the employees of the House. I hope the House will adopt the amendment I have offered.

Mr. GARFIELD. Mr. Chairman, I desire to say to the House, once for all, what I hoped I would not be compelled to say. There are no officers in the House who do not know that I am friendly to their getting whatever it is right they should have; but they are better paid than the majority of the clerks in this city who are employed all the time. Take the men in the Treasury Department, and in the various other Departments, men at the head of divisions, men who have done long years of patient service, who serve the year through, and who get only twelve hundred, fourteen hundred, sixteen hundred, or eighteen hundred dollars a year. There is not a man of them who would not be delighted to get the duty these clerks here have with a long vacation and the pay of most of the clerks in the employ of this House and the Senate. But because they are our friends, because we see them every day and stand before them when we vote, it is an ungracious thing for gentlemen to oppose them. If, however, we are now to begin one by one and restore all the salaries which have been reduced, we merely make a mock of ourselves in the face of the nation. All together have suffered a heavy reduction in salaries, because we believed justice and public sentiment required it at our hands, and now it is proposed to begin the business of restoring them one by one from the top to the bottom of the list. There is no logic in it unless we go through the whole of them and repeal the act of January 20, 1874. I shall demand a quorum of the committee on every vote, and shall carry them through to the yeas and nays of the House if necessary.

MESSAGE FROM THE SENATE.

The Committee informally rose, and a message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed, without amendment, a bill (H. R. No. 2550) making appropriations for the payment of the teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee resumed its session.

Mr. RANDALL. I have always here in this House been in favor of paying adequate salaries. I think it is an entire mistake not to pay a sufficient sum so as to allow an officer to live here with his family. Now, these very clerks of whom we are speaking are required to be as intelligent, and, if it may not be considered a reflection, I might

say more intelligent than a member of Congress. Whenever you want to know anything in regard to past legislation, or in connection with the business of the House, where do we first go? To the clerks. If they were not men of character and integrity and intelligence we should not go to them, and they would not be equal to their places. In this instance I consider they are equal to their situations, and I consider the discrepancy between a member's salary of \$5,000 and a clerk's of \$3,000, as proposed in this amendment, is not too great. It is too great, perhaps, now, and I think the margin ought to be narrowed. I hope, therefore, the amendment will be adopted.

The chairman of the Committee on Appropriations proposes to save at the spigot. I will join with him when we shall reach those large items, those hundreds of thousands of dollars of contingent expenses, \$20,000 here and \$50,000 there. I shall join with him in cutting down this overgrowth of contingent appropriations. But let us not be afraid of doing justice to our clerks who are entitled to this compensation. If you expect them to be men of integrity you must pay them sufficiently, and, for one, I wish to give them such salaries that they will not attempt to go into the lobby or be interested in the legislation of this House in any particular.

Mr. SPEER. My theory of reform is, that you must save, not at the bung only, but at the spigot also. But while I would do that and pay a strict regard to little things in this House, it seems to me there is reason in this motion of the gentleman from North Carolina [Mr. WADDELL] for an increase to these two officers. These assistant clerks have increased duties in this Congress which they never had before. The number of members in this House is forty or fifty greater than it ever was before. And with that increased number of members comes increased business; and I venture to say that when the Journal of this first session of the Forty-third Congress shall have been published it will be found that it is one-third larger than the Journal of any session of equal length in the history of the Congress of this nation.

Therefore, while I stand by the principle that we should guard strictly and carefully every appropriation, whether it be a dollar or whether it be a hundred thousand dollars, the question still lies back of that, is the compensation enough, or is the proposed increase in itself right? Now, there are many officers of this House who have no additional labors with the increase of the number of members. The reason that applies here would not apply in their case. I propose, therefore, to treat every one of these officers simply upon his own individual merits, and if there is reason for any proposed increase, as I believe there is in this case, I shall not oppose it.

The question being taken on Mr. WADDELL'S amendment, there were—ayes 77, noes 59; no quorum voting.

Mr. HOLMAN. I insist that there shall be a quorum on this vote.

The CHAIRMAN. No quorum having voted, the Chair will order tellers; and appoints the gentleman from North Carolina, Mr. WADDELL, and the chairman of the Committee on Appropriations, Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 101, noes 46.

So the amendment was agreed to.

The Clerk read the following paragraph:

Six assistant clerks, (including assistant Journal clerk,) at \$2,592 each.

Mr. KELLOGG. In consequence of the amendment just adopted, I move to amend the paragraph by striking out the words "including assistant Journal clerk."

The amendment was agreed to.

Mr. GARFIELD. The word "six" will have to be changed to "four." I move that that amendment be made.

The amendment was agreed to.

The Clerk read the following paragraph:

Ten assistant clerks, including librarian and assistant librarian, at \$2,160 each.

Mr. KELLOGG. The word "ten" should be changed to "eight," in consequence of the amendment adopted in regard to the reading clerks. I move that the paragraph be so amended.

The amendment was agreed to.

The Clerk read the following paragraph:

Four assistant clerks, at \$1,800 each.

Mr. PACKER. I move to amend the paragraph by striking out "\$1,800" and inserting in lieu thereof "\$2,000." As the other clerks have been restored to their original pay, I think it right that these assistant clerks shall also be restored to theirs.

Mr. GARFIELD. I hope the amendment will not be adopted. The same class of duties is done—

The CHAIRMAN. The gentleman from Illinois [Mr. HAWLEY] has been recognized by the Chair.

Mr. HAWLEY, of Illinois. I have looked on with a great deal of surprise while the Committee has been increasing the salaries of these officers. It has been stated by different gentlemen that these clerks are all good men, and that they faithfully discharge their duties. No one questions that. But, as has been stated by the gentleman from Ohio, [Mr. GARFIELD,] we began last year just at this point. And why? Because it was supposed it would be less difficult to raise the salaries of those who were officers of the House, personally known to the members of the House. And experience shows that it is much easier to raise the salary of an officer who is well known to the vari-

ous members of the House than of one who does not occupy that position. These gentlemen are associated with us every day. We see them daily, know them, are personally acquainted with them. We admire them for their good qualities. But, Mr. Chairman, that does not furnish a reason why we should raise their salaries to the exclusion of all others.

I am surprised that the chairman of the Committee on Reform in the Civil Service should be the man to champion this movement. I have sat in my seat here, except when the vote has been taken, while the salaries have been raised of three or four different classes of clerks. I have voted against the increase, and it is the gentleman from Connecticut, [Mr. KELLOGG,] the chairman of the Committee on Civil Service Reform, who proposes to raise the pay of these officers.

Now, sir, I was here last year when this whole question was voted on, and I voted against the raising of all these salaries. I believed then, and experience has proved the wisdom of my action and of that of those who acted with me, that the people would not sanction the raising of these salaries; and if ever the people have pronounced on any question in a manner which Congress could hear and ought to heed, it has been upon this question.

Now, sir, what has Congress done this session? It has repealed all the laws which have been passed raising the salaries of the different officers of the Government. It began at the top and has repealed them all. And now, as soon as we reach these officers again in this bill, it is proposed at the very first of them to raise the salaries to what they were before, because, it is said, these men discharge their duties. Sir, I believe that the officers of the Government everywhere discharge their duties. I believe there are very few exceptions to that rule, and I see no reason why the salaries of these officers of the Government should be raised any more than the salaries of others.

The gentleman from Pennsylvania [Mr. PACKER] who offers this amendment, does it upon the ground that we have just raised the salaries of the reading clerks and others, and that therefore we should raise the salaries of those to whom this amendment refers. Sir, when we reach another class of clerks there will be a proposition to raise their salaries, too, and the argument will be that you must raise the salaries of that class of clerks because you have raised the salaries of these, and the argument will become stronger, if there is any force in it at all, every time you raise the salary of an officer, because it may be said that the discrimination is still more unjust if, after raising so many, we should omit to raise the salary of a few.

Now, I hope this thing will stop right here. I hope we shall not go on repealing what was done earlier in the session, but shall stand by our action then.

Mr. KELLOGG. I move to strike out the last word in order that I may say a word or two in reply to the gentleman from Illinois. I simply wish to say that I agree with the gentleman from Illinois in regard to this amendment, and when he says that I stand here to champion the raising of all these salaries he speaks what he does not know. If he had watched my votes he would have seen that I have voted for only a single increase.

Mr. HAWLEY, of Illinois. I did not say that the gentleman championed all these propositions to raise salaries. I said that he was the first to propose an increase.

Mr. KELLOGG. And I am willing that gentlemen of the House shall hold me responsible for the motion to increase the salaries of these reading clerks to what it was agreed they should have during the last Congress. I say, Mr. Chairman, they earn their money, and when men earn their money as these reading clerks have to do I am not to be frightened from increasing their pay, whether I am chairman of the Civil Service Reform Committee or any other. I will vote to increase the pay of every officer either here or in any of the Departments where I am satisfied that their work and ability and the interests of the service demand it. But I do not consider it a reason because I vote for the increase of salary to one clerk that I must vote for the increase of the salaries of others. I am with the gentleman from Illinois against increasing the salaries of these other clerks, and that is all I have to say. I withdraw the amendment to the amendment.

The question was taken on Mr. PACKER'S amendment, and it was not agreed to.

The Clerk read as follows:

One engineer, \$1,800.

Mr. BROMBERG. I move to strike out "\$1,800" and to insert "\$2,160."

Mr. Chairman, I do not think the House intends to do injustice, but the House has already voted for the salary of the engineer of the Senate \$2,160. Now the engineer of the House has, if anything, more duties to perform than the engineer of the Senate. He not only has more boilers to attend to, but he also has the superintendence of the entire lighting apparatus of the dome and also of the heating apparatus away down to the Senate wing. He has a great deal more responsibility, and he certainly ought to have the same salary as the engineer of the Senate has.

Mr. GARFIELD. We already pay this engineer more than the engineer of the whole Treasury building gets, and if the engineer of the Senate gets too much that is no reason why we should raise the salary of our own engineer.

Mr. BROMBERG. But, Mr. Chairman—

Mr. GARFIELD. Debate is exhausted on the amendment.

Mr. BROMBERG. I move to strike out the last word.

The CHAIRMAN. The Chair is compelled to rule that debate is exhausted on the amendment.

Mr. CONGER. I move to strike out the last word.

Mr. BROMBERG. I have already made that motion.

Mr. KELLOGG. The gentleman from Alabama [Mr. BROMBERG] can oppose the motion of the gentleman from Michigan.

Mr. BROMBERG. I made the motion first.

The CHAIRMAN. The Chair recognized the gentleman from Michigan, [Mr. CONGER.] The Chair may make mistakes, but he intends to be impartial.

Mr. CONGER. I have moved to strike out the last word, and I yield my time to the gentleman from Alabama, [Mr. BROMBERG.]

Mr. BROMBERG. The gentleman from Ohio [Mr. GARFIELD] says that if this House has put the salary of the engineer of the Senate too high, that is no reason why we should put the salary of the engineer of the House at the same figure. I take it for granted that this House considered carefully what it was doing when it fixed the salary of the Senate engineer at \$2,160; and I do not think this House stands ready to-day to vote that it passed upon that salary carelessly or heedlessly. I know that I for one did not, and I do not believe any other member of this House will admit that he did. I think it is but simple justice that we should fix the salary of our engineer, he having much more onerous duties to perform and greater responsibility, at at least the same amount which we have agreed to give the engineer of the Senate.

Mr. CONGER. I withdraw the amendment to the amendment.

The question was taken upon the amendment moved by Mr. BROMBERG; and it was not agreed to upon a division, ayes 25, noes not counted.

The Clerk resumed the reading of the bill, and read as follows:

Clerk to Committee on Appropriations, \$2,592; messenger to Committee on Appropriations, \$1,314.

Mr. KELLOGG. I have an amendment to offer which would have been offered by the gentleman from Wisconsin [Mr. HAZELTON] had he been here. It is to insert after the portion of the bill just read the following:

Clerk to Committee on War Claims, \$2,484.

That is in accordance with a resolution which was passed by this House last January, and until that resolution is rescinded or repealed the action of the House in this bill should correspond to it. The Committee on Appropriations seems to have left out the clerk of the Committee on War Claims entirely.

Mr. GARFIELD. There is no objection to that amendment on the part of the Committee on Appropriations, and it ought to be made. But I ask the gentleman to insert it after the provision relating to the Committee on Claims, as the Committee on Claims is the older committee.

Mr. KELLOGG. I have no objection to that,

Mr. HALE, of New York. In what form has this House determined the salary of the clerk of the Committee on War Claims? The gentleman from Connecticut [Mr. KELLOGG] says that he proposes this amendment in pursuance of a resolution of the House fixing the compensation of this clerk. What was that resolution?

Mr. KELLOGG. It was passed in January last, and this is the amount then fixed, as the law stood at that time.

Mr. HALE, of New York. I think the gentleman is in error. That is why I ask him to refer to the resolution.

Mr. KELLOGG. I have the resolution here. It is as follows:

Resolved, That the compensation of the clerk of the Committee on War Claims shall hereafter be the same as now paid to the clerk of the Committee on Claims.

Mr. HALE, of New York. The salary proposed by the gentleman from Connecticut does not correspond with the salary of the clerk of the Committee on Claims, which may be found in the very next clause of this bill.

Mr. KELLOGG. At the time this resolution was passed the salary of the clerk of the Committee on Claims was precisely what I have named in this amendment. The action of Congress since that time has changed the compensation of the clerk of the Committee on Claims and of some of the other committee clerks; but it has not changed in any manner whatever the compensation of the clerk of the Committee on War Claims.

Mr. HALE, of New York. I move to amend the amendment so as to make the sum \$2,160, the compensation provided by this bill for the clerk of the Committee on Claims.

Mr. GARFIELD. That is right.

Mr. HALE, of New York. I wish to take this occasion simply to repeat a protest that I have before made upon the floor of this House against precisely the kind of legislation which was initiated by the resolution introduced by the Senator from Connecticut. I think more mischief in this matter of salaries grows out of precisely that kind of delusive resolution, fixing somebody's salary at the same which somebody else gets, instead of naming the precise amount—more mischief grows out of that than out of anything else connected with the forms of legislation. And for one I give notice that in all cases hereafter whenever such a proposition comes to my ears I shall object to and oppose any resolution in that form. I do not believe this House has proposed, or now proposes, to pay the clerk of the Com-

mittee on War Claims a greater compensation than they pay to the clerk of the Committee on Claims.

Mr. KELLOGG. I rise to oppose the amendment to the amendment. The gentleman from New York, [Mr. HALE,] in alluding to the "Senator from Connecticut," of course could not mean me. When the gentleman says there was anything designed to be delusive about the resolution which I offered last January, or that there was any trick in it, I tell him he is entirely mistaken. I was simply a representative of the Committee on War Claims on this floor. I was instructed to report that resolution, and I reported it in that form, and it was adopted by the House. The amendment which I have now sent up to the Clerk's desk merely carries out that resolution, as the law stood at that time.

I wish to say but one word more, for I shall submit to whatever may be the action of the House in this matter. I think the duties of the clerk of the Committee on War Claims are equal to those of the clerk of the Committee on Appropriations or of any other committee of this House. The chairman of that committee [Mr. LAWRENCE] is not now in his seat. But I will say this: from the hour that committee was organized during this session there has not been a day or night but what, upon the requisition of the chairman or some member of the committee, the clerk whom we have employed has been called upon to perform work for the committee. Though the committee may have accomplished very little at this session thus far, there has been a report drawn that kept the clerk constantly at work, day and night, in the early part of the session. I regret that the report has not been formally presented, but it has been printed and members know what it is. I say that the immense mass of claims before the committee, the peculiar character of those claims, and the work required of this clerk, entitle him to as high compensation as that received by either the clerk of the Committee on Appropriations or the clerk of the Committee on Ways and Means. I think the amendment I have sent to the desk proposes no higher compensation than this clerk is entitled to. I shall of course submit to whatever action the House may take.

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

The Clerk read as follows:

Sergeant-at-Arms, \$4,320.

Mr. PIKE. I move to amend the clause just read by striking out \$4,320 and inserting \$5,000. I understand that heretofore the salary of the Sergeant-at-Arms has been \$5,000, and possibly more. The reduction has been made I believe in consequence of the understanding that this officer had the use of a horse; but it has been decided that he should not have one. Therefore I think the pay ought to stand as it was before.

The amendment was not agreed to.

The Clerk read as follows:

Door-keeper, \$2,592.

Mr. HOSKINS. I move to amend the clause just read by making the salary \$3,000. Every gentleman on this floor is entirely conversant with the duties of the Door-keeper of this House. His attendance is required here constantly, not only during the sessions of the House, but before and after the sessions. I am authorized to say that during the last year the Door-keeper has been absent from his post of duty but seven days in the whole year, except by order of the House. For a gentleman who is competent to perform the duty required of the Door-keeper, and whose attendance is required here constantly, who is obliged to reside here the year round with his family, I submit that \$3,000 is a small salary.

Besides, Mr. Chairman, this amendment will simply give this officer precisely the same salary he has been receiving under the action of the last Congress. I do not propose to raise his salary one dollar, but simply to continue the compensation he is now receiving. In my judgment \$3,000 is a very small compensation in view of the duties imposed upon this officer and the competent manner in which he discharges them. If any member of Congress during the vacation requires information in relation to books or documents he writes to the Door-keeper, who is obliged to go around and search up those documents and papers. I hope that the amendment will be adopted unanimously.

Mr. GARFIELD. I rise to oppose the amendment, and ask for a vote.

The amendment was not agreed to; there being ayes 32, noes not counted.

The Clerk read as follows:

First assistant postmaster, \$2,088; fourteen messengers, seven at \$1,728 each; and seven at \$1,080 each.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer a series of amendments which I will submit together. I move to insert as the salary of the first assistant postmaster \$1,800 instead of \$2,088; to insert \$1,500 instead of \$1,728 as the compensation of each of the fourteen messengers; and \$1,200 instead of \$1,080 as the compensation of the seven other messengers.

Mr. STORM. Is not that an increase?

Mr. GARFIELD. It increases the pay of the lowest class, and decreases the pay of the other two classes.

Mr. STORM. What is the effect on the average?

Mr. GARFIELD. The average is a decrease of several hundred

dollars on the whole. The committee thought as to the pay of these officers that the upper grades should be reduced, while some increase should be made in the lower grades. The effect of the amendment is to make a considerable total reduction.

Mr. SPEER. I offer an amendment to the amendment. I move an amendment to the amendment, in line 153, by striking out "seven," where it occurs twice in that line, and inserting "four" after the last "seven," at the end of the line.

The CHAIRMAN. The first relates to the number of messengers.

Mr. SPEER. Yes; I wish to strike that out. I move in line 154 to strike out "twenty-eight" and insert "four," so it will read "fourteen messengers at \$1,404 each."

I do this for this reason. I have been informed these fourteen messengers perform precisely the same work, precisely the same service from day to day, and Congress has been paying seven of them \$1,700 each, and the other seven \$700 less. Now I propose simply to equalize the pay of the fourteen messengers. It does not increase and does not diminish the compensation.

If my information is correct in reference to the messengers about the post-office I can see no sense and no justice in making a distinction of \$700 in their compensation. The amendment submitted by the chairman of the Committee on Appropriations is in the direction of my amendment, but does not go far enough, still recognizing a distinction of \$300.

Mr. GARFIELD. If the gentleman will allow me in his time, I will say that the Committee on Appropriations found from the last year the name of these two classes of officers was the same, but hitherto seven were known as mail-boys and the others as mail-messengers. The distinction was this: one class of them have charge of the handling and the distribution of the mails in the office, and have to come at an early hour in the morning to sort and distribute the mails; the others are the mail-carriers, who take the packages already done up in bundles and drive around in the mail-wagon to deliver them at the houses of members. For years past there have been two classes of duties, one requiring as we thought a higher class of experience and intelligence than the other. It is true now and then a mail-boy does the work of the other, but their duties are distinct. We thought on the whole it would be better to bring the upper class down a little and the lower up a little, and the adjustment will reduce the total expense considerably.

Mr. SPEER. Let me say a word. If the information upon which I have made my amendment is incorrect, I will, of course, withdraw the amendment. If, as the gentleman from Ohio suggests, there is a difference in the labor performed, then, of course, my amendment should not be adopted; but I am credibly informed there is not any such difference in the duties—that the duties are interchangeable.

Mr. RICE. When I first departed from the recommendation of the chairman of the committee in increasing the salaries of the Chief Clerk and Journal clerk, I did it on the ground that it required an aptitude and a peculiar facility in doing that work, and that the experience of these gentlemen had entitled them to a larger sum. And when I voted to increase the salary of the assistant Journal clerk, I did it for the same reason, although I was loth to depart from the recommendation of the chairman of the committee. Now, I hold the amount of labor is not so much the question before the House as the amount of ability to perform a certain amount of labor. We all concede that superior abilities should receive higher pay. In this case, as the gentleman from Pennsylvania has just remarked, if the distinction exists which has been stated, then he is wrong in moving his amendment. If of these men engaged in the post-office of the House some are required to do more labor than others, and to sort and prepare the mails for delivery, I think then those who do prepare the mails for delivery are entitled to higher pay.

Mr. SPEER's amendment to the amendment was rejected.

Mr. GARFIELD's amendment was agreed to.

Mr. GARFIELD. I move in line 156 after the word "stenographers" to insert the words "for committees;" so that it will read, "to stenographers for committees, \$4,380 each." These are reporters for committees of the House, and it is necessary to distinguish them from the Official Reporters of the debates.

The amendment was agreed to.

Mr. HOLMAN. Is this sum, \$4,380, the same compensation now fixed for the Official Reporters of the debates?

Mr. GARFIELD. It is the same fixed for these reporters of committees. We have not felt authorized to change that sum. If any gentleman of the House thinks it ought to be changed by making it any other sum, we have no objection to offer.

Mr. HOLMAN. I think the salaries of these stenographers for committees certainly should not be higher than we give to the reporters of debates.

Mr. RANDALL. I think the five Official Reporters of debates should have their salaries increased.

Mr. HOLMAN. What is the salary fixed for the regular reporters?

Mr. GARFIELD. Forty-two hundred dollars a year each.

Mr. HOLMAN. I move that amendment; to strike out \$4,380 and insert \$4,200.

Mr. SPEER. These stenographers for committees are paid by the year, and I wish to ask the chairman of the committee whether there are not some sessions of Congress when there is but little work for these stenographers to do; whether it does not depend on special in-

vestigations and special committees ordered by the House outside of the regular business of the House?

Mr. GARFIELD. Theoretically that time may come, but practically we have not seen it during the past two years. There are now more investigations going on than the stenographers can overtake.

The amendment was agreed to.

The Clerk read as follows:

Superintendent of the folding-room, \$2,160; superintendent and assistant superintendent of the document-room, at \$2,160 each; document file clerk, \$1,800; five messengers, at \$1,800, and six, at \$1,440 each.

Mr. McKEE. I move to amend by striking out the words "and six at \$1,440 each."

I endeavored to get through a resolution to ascertain the number of these employes, and the chairman of the committee told me I could find out easily enough how it was; but I believe as matters now stand that it is impossible to find out anything about it. The record, however, I understand shows that there are now more employes in the folding-room than we had before we did away with the franking privilege. A great deal of the work has been laid aside. There remains very little to do, and yet in place of retrenchment we find more messengers put on than there were before. As it now stands there are for this service five messengers at \$1,800 each, and five at \$1,440 each. The committee proposes that the number shall be five at \$1,800 and six at \$1,440. I see no use for this.

The fact is that the Door-keeper's department has grown and grown until now I believe he has one hundred and twenty-nine or one hundred and thirty employes about the Capitol under his control. I think that is altogether too much, and I trust the House will think so too. I therefore move to strike out the words I have mentioned.

Mr. DANFORD. I move to amend the amendment by striking out in line 162 "\$1,800" and inserting "\$1,400."

The CHAIRMAN. The amendment is not germane. It has reference to another clause. The gentleman from Ohio can offer his amendment after this has been disposed of.

Mr. GARFIELD. I desire to say a word. The Committee on Appropriations called the Door-keeper before them, and also had the advantage of the assistance of the chairman of the Committee on Accounts in regard to various classes of employes about the House. The chairman of the Committee on Accounts informed us, as did also the Door-keeper, that the entire number of the force had been reduced to the amount, I think, of 25 per cent. since the beginning of the present session, and that unless the franking privilege should be restored possibly a further reduction could be made; but if the franking privilege was restored a large increase would be required, especially in the folding department. The committee have reported such an amount of force as it seemed to them under the circumstances, after hearing both from the Door-keeper and from the chairman of the Committee on Accounts, was just and reasonable.

Mr. McKEE. How many has the Door-keeper in his department now?

Mr. GARFIELD. I do not know exactly how many.

Mr. McKEE. The chairman of the Committee on Appropriations informs me that he does not know how many employes there are in the Door-keeper's department. It appears to me that he ought to know that fact.

Mr. GARFIELD. I do not know the numerical strength of the whole force. I did not know that it was of special importance that the committee should take a census of the entire force.

Mr. McKEE. Is it necessary that the Door-keeper should have one hundred and thirty employes under his direction?

Mr. GARFIELD. In reply to the gentleman I will state in the first place, in general terms, what employes the Door-keeper has in his department. He has first a class of messengers or door-keepers who attend the doors, although they are called messengers. There is no one door leading into this Hall, or into the galleries in the Hall, where it is not thought important to have at least one messenger; at the main doors there are two, for it is necessary there to have more than one on account of the number of messages constantly sent in to members of the House and as a protection of the lobbies of the House from invasion from without. In the next place, the Door-keeper has under his charge the document-room. It ought not to be; it ought to be a separate thing; but he has that under his charge, and he furnishes a considerable number of employes in the document-room, who are on his roll and paid by him, and who have charge of our vast body of documents.

In the next place, all the pages that we have here, and their number is considerable, are under the control of the Door-keeper and in his employment. In the next place, all persons employed in the folding of documents and speeches and everything that is printed by the authority of Congress, except documents that the Clerk sends out annually, are under the control of the Door-keeper; and finally, the Door-keeper has charge of the laborers employed in the care of this building throughout the entire wing of the Capitol which the House occupies.

Mr. McKEE. Has he more in his employment now than he had before?

Mr. GARFIELD. There has been a reduction of twenty-four since the session began.

The question being taken on Mr. McKEE's amendment, it was disagreed to.

Mr. DANFORD. I move to amend the paragraph, as follows:

In line 162 strike out "\$1,800" and insert "\$1,400," so that it will read "five messengers at \$1,400," and in line 163 strike out "\$1,440" and insert "\$1,240," so that it will read "six at \$1,240 each."

I am aware that it is rather an ungracious thing to stand here and prevent the increase of salaries of the employes of this House who serve us so attentively, so faithfully, and so efficiently. But, Mr. Chairman, we should not pay these employes more than their services are reasonably worth; and I submit to any gentleman upon this floor whether such a service as that required of this class of employes cannot be obtained in any district in this country for little more than one-half the amount in the committee's bill; and whether we are justified, Mr. Chairman, in paying for this class of service more than we can reasonably provide it for. While we have a Treasury with millions and hundreds of millions of dollars in it, I think we should take into account the fact that those who labor in this country, who produce its wealth either in the field or in the workshop, are not receiving for their work, for that kind of work that produces the wealth of this country, anything like \$1,400 or \$1,800 per annum. The average American laborer, the average clerk in this country, receives no such compensation as we give to the employes of this House, and we should take into account, sir, those who stand behind this Treasury, the farmers, the workmen, and the clerks who contribute their dollars and their dimes to the payment of the employes of this House. I take it that we can safely cut down the employes of this House one-half, and that we can have just as good and as efficient service as we have now.

Gentlemen say that we should pay the employes of the House here a sufficient amount of money to enable them to bring their families here and reside at the capital. I take it that we should do no such thing. There are many members of Congress upon this floor who can afford to do no such thing; and I think that our true rule should be to pay for this service what it is reasonably worth; and I take it that what it is reasonably worth is that which it can be obtained for in the country.

The question was taken on Mr. DANFORD'S amendment; and on a division there were—ayes 37, noes 38; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. GARFIELD were appointed.

The committee divided; and there were—ayes 47, noes 100.

So the amendment was not agreed to.

The Clerk read as follows:

Twelve messengers during the session, (estimated at five months,) at the rate of \$1,440 each per annum, \$7,260.

Mr. WILLARD, of Vermont. I move to amend that clause by striking out "twelve" and inserting "eleven," for the purpose of asking the chairman of the Committee on Appropriations a question. I desire to inquire how much the force in the Door-keeper's department has been reduced by this bill from what it was in January last?

Mr. GARFIELD. The committee understood from the chairman of the Committee on Accounts that the entire force had been reduced 20 per cent., the reduction being twenty-two or twenty-three persons in all. That is what was represented to the committee, and I have here the notes which I took at the time.

Mr. WILLARD, of Vermont. Does that decrease appear in the number of officers named in the bill, or was it in the folding-room?

Mr. GARFIELD. A portion of the appropriation for this branch of the service is in a lump for the folding-room, and the reduction is there. We have not cut out any of the officers who are specially appropriated for. The reduction is in the folding-room and the amount appropriated for that purpose is reduced to the extent I have intimated.

Mr. WILLARD, of Vermont. I desire to ask the gentleman a further question. I understand that the force in the folding-room was reduced in January last and that a certain number of persons were either discharged or suspended; but I understand also that instead of stopping the pay of the persons suspended those actually retained had to divide their pay with them, so that the pay of those retained was reduced by the amount paid to persons nominally discharged. Has the chairman any knowledge on that point?

Mr. GARFIELD. No, I have not; but I suppose the chairman of the Committee on Accounts could inform the gentleman.

Mr. WILLARD, of Vermont. I withdraw my amendment.

Mr. HOSKINS. I desire to renew my amendment in line 148, and I propose now to make the salary of the Door-keeper \$2,892, instead of \$3,000 as I proposed before.

Mr. GARFIELD. I make the point of order that the amendment proposes to go back, and is not in order.

Mr. HOSKINS. The amendment I now offer proposes to increase the salary of the Door-keeper \$200 only, so as to make it \$2,892 a year.

Mr. GARFIELD. I insist on the point of order that we cannot go back.

Mr. RANDALL. This is not going back; the amendment relates to a part of the paragraph which is under consideration.

Mr. GARFIELD. It was agreed that each of these clauses relating to an officer or class of officers should be considered as a paragraph.

Mr. HOSKINS. The whole paragraph relates to the salaries of different officers of the House, and I submit that amendments to it are in order as long as that subject is before the committee.

Mr. GARFIELD. It was agreed for convenience that each of these clauses should be considered as a separate paragraph. That was agreed to by unanimous consent, and that agreement controls us.

Mr. STORM. I understood the Chair to state that each clause relating to an officer would be considered as a paragraph.

Mr. GARFIELD. It was so agreed, and that arrangement only relates to the paragraph now under consideration down to the appropriations for the public printing.

I made the proposition distinctly, that for the sake of convenience and dispatch of business each one of these separate clauses should be considered as a paragraph.

The CHAIRMAN. The Chair trusts that, as there seems to be a difference of opinion, the point of order will be withdrawn. If the point of order be insisted upon, the Chair will be compelled to rule that, having submitted to the Committee of the Whole the proposition that each clause be treated as a paragraph, and no objection being made, the proposed amendment is not in order.

Mr. GARFIELD. At the request of the Chair I withdraw my point of order; but I give notice that I will insist upon it if another amendment of the kind is offered.

Mr. FORT. I renew the point of order.

The CHAIRMAN. The point of order being insisted upon, the Chair rules that the amendment is out of order.

Mr. MCKEE. I move to amend, by inserting after the clause just read the following:

All employes of the Door-keeper's department shall be employed and discharged by the Committee on Accounts.

Mr. GARFIELD. I make the point of order that this is new legislation, and therefore not in order.

Mr. MCKEE. This is just the place to put it in, by the rule.

Mr. GARFIELD. It changes existing laws and empowers a committee to regulate the employment of persons, that committee being now authorized only to settle the accounts. This amendment proposes to make the committee the appointing power, taking that power from the Door-keeper, where it is now lodged.

The CHAIRMAN. Is it lodged with the Door-keeper by virtue of any clause of an appropriation bill or any other legislation?

Mr. GARFIELD. I do not know how that is. But this amendment proposes to change the law as it now stands.

Mr. MCKEE. Where is that law?

Mr. GARFIELD. It is incumbent upon the gentleman to show that he does not propose to change the law. It is well known by everybody here that the Door-keeper now appoints the force under him.

Mr. FORT. By what law?

Mr. GARFIELD. Even if only by consent it is now the law of custom. It is proposed to make a law which does not now exist, and to clothe a committee of this House with appointing power. Nobody claims that that has ever been done, or that there is now any authority of law for doing it. We are now asked to confer upon a committee of this House an authority which it is not pretended they have, and certainly that is new legislation.

Mr. MCKEE. It is a thing eminently proper to do, and it should have been done long ago.

Mr. GARFIELD. That is a question of the merits of the amendment. I am making a point of order, not discussing the merits of the amendment.

Mr. MCKEE. I cannot find any law authorizing the Door-keeper to make these appointments.

The CHAIRMAN. The Chair rules that the point of order is well taken.

Mr. MCKEE. Because it changes existing law, when there is no law to be changed?

The CHAIRMAN. The Chair has ruled upon the point. The gentleman from Mississippi [Mr. MCKEE] suggests reasons for the ruling of the Chair; they are the reasons of the gentleman from Mississippi.

The Clerk resumed the reading of the bill, and read the following:

For clerks of committees, \$15,000.

Mr. BROMBERG. I move to amend the clause just read by striking out \$15,000 and inserting \$25,000. I find by reference to a letter of the Secretary of the Senate, Miscellaneous Document No. 5, that the clerks of the committees of the Senate, except those to whom regular salaries are given, receive \$7.20 per day each, while the clerks of the House receive only \$4.80. Certainly the amount of work which a clerk of a House committee is called upon to perform is at least equal to that performed by the clerk of a Senate committee. I always try to act reasonably and justly. I should like to know some reason why the clerk of a House committee should not be paid the same salary as the clerk of a Senate committee, as he does at least the same amount of work.

Mr. PLATT, of Virginia. I rise to support the amendment.

The CHAIRMAN. The gentleman is not in order, one speech upon that side having been made.

Mr. MYERS. I desire, Mr. Chairman—

Mr. BROMBERG. I have not occupied all of my five minutes, and I yield the remainder of my time to the gentleman from Virginia.

Mr. PLATT, of Virginia. I will decline to avail myself of the kindness of the gentleman from Alabama, [Mr. BROMBERG,] but will take the floor in my own right after a speech in opposition to this amendment has been made.

Mr. MYERS. I move to amend the amendment so as to make it \$20,000 instead of \$25,000. As the gentleman from Alabama [Mr. BROMBERG] has already said, I find that the amount allowed to clerks of Senate committees is \$25,000, and the amount proposed here to the clerks of committees of the House is \$15,000. I should like to know from the chairman of the Committee on Appropriations [Mr. GARFIELD] why there should be this discrepancy. There are almost as many clerks of committees in the House as in the Senate.

Several MEMBERS. There are more of them.

Mr. MYERS. No; there are not more, but there are nearly as many. Some clerks of the House are paid by fixed salaries. I should like to have some explanation by the chairman of the committee why \$10,000 more should be appropriated for the Senate clerks than for the House clerks.

My friend from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, suggests that it takes more to pay them. I believe we have only a few less clerks here than in the Senate; and I offer the amendment because I want to allow more to the clerks of the House. There is no reason whatever for the discrepancy. Our clerks do as much labor as those in the Senate; they do as faithful service, working frequently when the Senate adjourns over. I desire some explanation which may guide my vote.

Mr. GARFIELD. A few words in answer to the gentleman from Pennsylvania, [Mr. MYERS.] It has been the custom for many years to allow questions as to committee clerks and other matters relating to the special service of each branch to be determined by the branch itself. This year, however, as on one or two previous occasions, the Committee on Appropriations objected to the inequality of the salaries paid in the two Houses; and in this matter of committee clerks I have been instructed by the Committee on Appropriations, whenever the Committee of the Whole will permit me to go back, to offer an amendment to the clause relating to committee clerks of the Senate, so as to provide that no higher amount shall be paid to the clerks provided for in the contingent fund than the rate allowed in the House. This will settle the whole question. We have cut down very largely the amount asked for in the appropriation for Senate clerks. The Senate asked for contingent expenses, including clerks of committees, \$65,000. We cut down the appropriation to \$31,000; and we have reduced the amount for the House from over \$20,000 to \$15,000. If the committee will now allow the amendment which I have been instructed to offer, to be inserted in connection with the appropriation for clerks of Senate committees, I will present it.

Mr. MYERS. I object.

Mr. GARFIELD. If the gentleman who is so anxious to have the pay of committee clerks in the two branches equalized objects, then I cannot present the amendment.

Mr. MYERS. I am anxious to increase the pay of our own clerks.

Mr. PLATT, of Virginia. I hope the amendment offered by the gentleman from Pennsylvania [Mr. MYERS] will prevail rather than that of the gentleman from Alabama, [Mr. BROMBERG,] because I desire merely that enough money shall be appropriated to equalize the pay of the clerks of the House and those of the Senate. As to the amendment which the chairman of the Committee on Appropriations [Mr. GARFIELD] informs us he will offer, I wish to say that such an amendment was offered when the paragraph was under consideration by the Committee of the Whole; that an amendment cutting down the amount appropriated as compensation for clerks of the Senate committees was rejected.

Mr. GARFIELD. The gentleman is mistaken.

Mr. PLATT, of Virginia. Now, sir, there are thirty-one of these clerks in the Senate and twenty-seven in the House. Although we have many more committees than the Senate, yet we have a smaller number of clerks. I assert without fear of contradiction that the committee clerks of the House do as much and more work than the committee clerks of the Senate, with very few exceptions. I see no reason for this discrimination against the committee clerks of this House; for I desire to call attention to the fact that in this entire appropriation bill this is, I believe, the only case of equality in the pay of employés of the two Houses.

The question being taken on Mr. MYERS's amendment to the amendment of Mr. BROMBERG, it was not agreed to; there being—ayes 17, noes not counted.

The question recurring on the amendment of Mr. BROMBERG, it was not agreed to.

The Clerk read as follows:

For folding documents, including pay of folders in the folding-rooms and materials, \$50,000.

Mr. WILLARD, of Vermont. I move to amend the clause just read by striking out "50" and inserting "30," so as to make the amount of the appropriation \$30,000. I am not sufficiently advised to know whether the latter sum may not be too large. I understand, however, that we have substantially two folding-rooms. In one of these, under the charge of the Clerk of the House, the documents that are bound for the use of members are folded and taken care of, to be delivered to the members. Then there is the folding-room below stairs where the documents that have hitherto been folded for distribution are taken in charge. The appropriation last year for the folding-room was \$100,000, which included, I suppose, the appropriation for material and for labor. The superintendent, the assistant superintendent, and some other officers and employés of this room are provided for in another

part of the bill, so that this appropriation of \$50,000 as here proposed, or \$30,000 as I move to make it, covers only the labor and material.

Formerly it was the practice, I believe, that persons designated in this bill as messengers, who are really assistant door-keepers, were at work in the folding-room during the recess of Congress, or some portion of it; but latterly that practice has been abandoned, I am told, and these messengers, or assistant door-keepers, are now not kept here during the summer months. Some are paid only during the session, and some are paid by the year; but whether paid by the session or by the year they go away during the recess, and the work done in the folding-room is done by laborers employed for that purpose.

No special political campaign will be pending the coming fall, no presidential campaign; and so there is no necessity for a large force in the folding-room to fold documents for distribution for political purposes. Besides, the franking privilege has been abolished; and the House, after deliberate consideration, has decided that it shall not be revived except so far as the country newspapers are concerned, and those are not folded here. No documents have yet been ordered to be printed by both Houses of Congress at this session. Early in the session the House adopted a resolution for printing the Agricultural Report for two years; but the Senate (if I may be allowed to refer to that august body without violating parliamentary rule) has not yet agreed to that proposition; and I trust it will not do so. In this view of the case it seems to me that \$30,000 is an abundantly large appropriation for this purpose, and that the Committee on Accounts, or whatever committee may have this matter in charge, should have some direction from the House as to the force that shall be kept here during the recess to work in the folding-room.

Mr. SOUTHARD. Since the abolition of the franking privilege, and the failure to authorize the publication of these public documents hitherto distributed, what necessity is there for even the appropriation of these \$30,000?

Mr. WILLARD, of Vermont. I must confess, Mr. Chairman, I am quite ignorant on this point. I do not know there is any necessity for that appropriation, but I understand it takes about \$15,000 for the purpose of attending to and folding the documents printed as a matter of course. We order printed every document that comes to Congress, and when we order them printed, some sixteen hundred copies of each are printed as a matter of course. Therefore a certain number of these documents, one for each member, is folded under the direction of the Clerk of the House, and the expense of that is included in this appropriation. I understand it has been customary to appropriate for the House about \$15,000 for that purpose. Then there will be about \$15,000 left for the other purpose. I confess, as I have already said, I did not understand why we should make an appropriation of \$15,000, but perhaps the chairman of the Committee on Appropriations will be able to tell us.

Mr. SOUTHARD. I understand this is intended to cover certain documents printed as a matter of course. The appropriation was \$100,000 last year. Is it understood, then, as a matter of fact, one-third has been done this year of the work which was done last year, when an enormous number of speeches and documents was circulated through the mails under the franking privilege?

Mr. RANDALL. I move an amendment to the amendment of the gentleman from Vermont so as to make it \$25,000. I have examined this subject carefully, and I am convinced that is enough.

As a member of the Post-Office Committee I think I can say there is no probability whatever, even if this House should reinaugurate the franking privilege, that it can by no possibility pass the Senate during this session of Congress. That then brings us down to the expenditure of this money during a period of three months next year, that is to say from the first Monday in December, when the second session of this Congress assembles, to the 4th of March following. It seems to me, therefore, \$25,000 is entirely sufficient.

It has been the habit heretofore of employing boys to fold speeches and documents. I am now informed (and if I am incorrect in my statement I am open to correction) that the duty which has been heretofore performed by these boys is now being done by those who are upon the roll of the Door-keeper, and who really have no other duty to perform. Not having any other duty to perform, they have been assigned, some of them, to this duty. We have provided for the payment of these persons, therefore, who have taken the place heretofore held by the boys of the folding-room. There is really no occasion therefore, in my judgment, to make this appropriation larger than \$25,000.

Mr. GARFIELD. Mr. Chairman, I should say it would be a wise thing to have only one folding-room for the House. I believe the gentleman from Maine [Mr. HALE] has drawn an amendment which when in order I hope may be offered, as it proposes to consolidate these folding-rooms into one.

Mr. RANDALL. I agree to withdraw my amendment for the present in order that the gentleman may have an opportunity to offer that amendment.

Mr. GARFIELD. I wish to say a word in regard to the amount of these appropriations. Out of the sum here appropriated is paid the salary of those persons who are in the folding-room of the Clerk as well as in the folding-room of the Door-keeper. They have had hitherto, and for a series of years, \$100,000, which sometimes even has been found insufficient. The committee after careful consideration thought they could reduce it, in view of the abolition of the franking privi-

lege, to \$50,000. I doubt whether a lower reduction would be safe in view of the fact that the Clerk of the House is required by law to send off the complete sets of statutes and documents which make really quite a large library every year. He is required not only to send them to every member of Congress, sending to each member's home address, but to the governors of States and to the governors of Territories. In all they make a large bulk of documents. He attends to folding, sending off, and purchasing the material for folding, and must keep up a room for that purpose. If we consolidate the two in accordance with the amendment of my colleague on the Committee on Appropriations, it will probably be as wise a thing as we can do.

Mr. WILLARD, of Vermont. I hold in my hand an appropriation bill for 1866; and that was when the franking privilege was in existence, when documents were folded indiscriminately, as they were recently; and the appropriation for that year was \$30,000.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. RANDALL. I wish to say to the gentleman from Vermont that during the existence of the franking privilege I have sent off fifteen thousand speeches and documents a year, but since the abolition of the franking privilege I have not been able to send off more than a tithe of that number. It is not reasonable, therefore, the appropriation should be kept up at the former figures. I now withdraw my amendment, so as to enable the gentleman from Maine to offer his amendment.

Mr. HALE, of Maine. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 177, after the word "dollars," add the following:
Provided, That after the 30th of June, 1874, all the folding of the House shall be done through the Clerk of the House, and the two folding-rooms now existing shall be united under that officer.

Mr. HALE, of Maine. That is not strictly an amendment to the amendment of the gentleman from Vermont, [Mr. WILLARD,] and I ask him to withdraw his amendment for the time being and allow a vote to be taken on this, after which he can renew his amendment.

Mr. WILLARD, of Vermont. I have no objection to that.

The CHAIRMAN. If there be no objection the gentleman from Vermont [Mr. WILLARD] will be permitted to withdraw his amendment for the present in order that the gentleman from Maine [Mr. HALE] may offer the amendment which has been read.

There was no objection.

The CHAIRMAN. The gentleman from Maine [Mr. HALE] is entitled to the floor.

Mr. DUNNELL. I wish to ask the gentleman from Maine a question.

Mr. BURCHARD. I have risen to make a point of order on the amendment.

Mr. McKEE. I rose also for the same purpose. I make the point of order that this amendment is new legislation.

Mr. HALE, of Maine. If I am permitted I will make a statement in regard to what the law now is, which I think will dispose of the point of order.

The CHAIRMAN. The gentleman from Mississippi [Mr. McKEE] raises the point of order that this is new legislation. The Chair will state that the gentleman from Maine [Mr. HALE] asked the gentleman from Vermont [Mr. WILLARD] to withdraw his amendment so that he, the gentleman from Maine, might offer an amendment. That amendment had been read and was known to the committee. The Chair asked the committee if consent was given. The committee gave consent. At that moment and before such consent the point should have been raised. The amendment of the gentleman from Maine is, in the judgment of the Chair, properly before the committee.

Mr. BURCHARD. The proposition of the gentleman from Maine was to present his amendment as a substitute for the amendment of the gentleman from Vermont then before the committee. It was only when that was done and the amendment of the gentleman from Maine came before the committee that the point of order would apply, if at all. It would have been premature to have submitted the point of order before the Chair stated that the substitution had been made; and it was at that time that the gentleman from Mississippi as well as myself rose to make the point of order.

The CHAIRMAN. The Chair regrets that neither of the gentlemen succeeded in getting the point of order made at the time they desired.

Mr. McKEE. I submit that the amendment has not been debated. The gentleman from Maine who offers it is the only one who could have discussed it. That gentleman has not said a word about the amendment. I submit that we could not have made the point of order more quickly than it has been made.

Mr. BURCHARD. I desire to state that when the Chair stated that the amendment of the gentleman from Vermont was withdrawn, and that the amendment of the gentleman from Maine was before the committee, I at once rose. The gentleman from Minnesota [Mr. DUNNELL] rose at the same time to address a question to the gentleman from Maine. I interrupted the gentleman from Minnesota, and he yielded the floor to me to make the point of order, and the gentleman from Mississippi also rose for the same purpose. Hence I think the point of order was made in time.

The CHAIRMAN. The Chair has admitted the amendment. The gentleman from Maine is entitled to the floor.

Mr. McKEE. What has become of the point of order?

The CHAIRMAN. The gentleman from Maine has offered an amendment which the Chair has ruled to be in order.

Mr. HALE. I desire to speak five minutes to the amendment.

Mr. BURCHARD rose.

The CHAIRMAN. The gentleman from Illinois [Mr. BURCHARD] has raised a point of order, and the Chair will yield the floor to the gentleman if he desires further to discuss his point or to appeal from the decision of the Chair.

Mr. BURCHARD. I have not yet presented my point of order. I wish to know if I am in time to make the point of order.

Mr. WARD, of Illinois. I submit that a point of order cannot be debated until it is presented.

Mr. BURCHARD. The point of order I make is not in regard to the substitution of one amendment for the other. My point of order is on the amendment itself, that it proposes new legislation and changes existing law.

The CHAIRMAN. The Chair has ruled that the amendment is properly before the committee and the gentleman from Maine is entitled to the floor.

Mr. McKEE. Does the Chair overrule the point of order?

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. McKEE. Mr. Chairman, I have a right to ask if the Chair has overruled the point of order.

The CHAIRMAN. For the fourth time the Chair will endeavor to state that he has overruled the point of order.

Mr. McKEE. But I understood the Chair to refuse to hear it, because it was not made in time.

The CHAIRMAN. The Chair regrets the misunderstanding.

Mr. GARFIELD. I raise the point of order that it is not in order to discuss what has been decided by the Chair.

The CHAIRMAN. The gentleman from Maine is entitled to the floor, unless the gentleman from Mississippi appeals from the decision of the Chair. [After a pause.] The gentleman from Mississippi does not appeal, and the gentleman from Maine will proceed.

Mr. HALE, of Maine. I do not know why there should be so much antagonism to this proposition. It is offered in good faith, and if adopted I am satisfied that the business of the House in regard to the folding of documents will be more satisfactorily performed than now. There is nothing gained in having two folding-rooms. And so far from this being any change in legislation, let me state to gentlemen that there is no law so far as I understand it for the present division of this labor. It has grown up and become sanctioned to some extent by usage, but there is certainly no good reason why there should be two folding-rooms.

The Clerk of the House seems to me, without casting any reflection on any officer, to be the proper officer to have charge of this duty. And by this amendment he will have the entire charge of the folding of the documents which the House orders to be printed. This will be concentrated under one officer.

If there be any question of patronage that troubles gentlemen, any question of getting men into these places, according as one officer or another shall have the control, that is not a question that troubles me. I have not anybody in the folding-room, I do not expect to have anybody, and I do not want to have anybody there. But let it be under the control of one man. If the question of patronage is to come in, and if employes are to be taken from the various sections of the country in such a way that all shall be fairly represented, one man will do it better than two. But primarily the work will be better done under the charge of one man than it is done now.

Now as to the amount. The committee looked into it carefully, and made a large reduction from last year. I am, for one, by no means certain but that \$25,000 or even \$20,000 might suffice; but there is nothing gained by putting in an appropriation so small that next year a deficiency will have to be provided for. Gentlemen have made that point; the gentleman from Kentucky, [Mr. BECK,] now in my eye, has repeatedly made it upon this bill and other bills. Where there is danger of its resulting in that way that is a good point. I believe \$30,000 at any rate to be ample; and if the work be placed under the control of one man, that sum will go further than what we have before appropriated for the larger work.

Mr. DUNNELL. I rise to oppose the amendment. I cannot myself see how it will cost any more to fold these documents as they are now folded than it will if we have it done under the direction of one man. The same rooms will have to be occupied, the same number of men employed, the same amount of material purchased. I fail to see where the saving can come in. The folding that is done under the supervision of the Clerk is of a different class altogether from the folding that is done under the direction of the Door-keeper, and under the supervision of the Clerk the same rooms will be occupied, the same amount of force required, and the same amount of materials used. The gentleman from Maine has failed to satisfy me that there will be a single dollar saved. If the argument of the gentleman is good that one man should have this matter wholly in charge, then, I think, we should strike out the word "Clerk," and insert "Door-keeper." I think it is entirely out of place to take this work away from the Door-keeper and give it to the Clerk. There are members upon this floor, members of the Committee on Appropriations, who know that this change ought not to take place. I am unwilling to augment the

power of the Clerk of this House. This power is better lodged where it is, and I hope the amendment of the gentleman from Maine will not prevail. I am sure nothing will be saved by it, and I move to amend his amendment by striking out the word "Clerk" and inserting "Door-keeper."

Mr. McKEE. I rise to support the amendment of the gentleman from Maine, although I do not believe it is at all in order, and I will briefly state the reasons why I support it. The gentleman from Minnesota says that this power of patronage is rightly lodged in the Door-keeper. That, sir, I do not believe. I have sought here time and again to get information as to the Door-keeper's patronage here, and it has always been refused. I believe there are one hundred and thirty men employed in the Door-keeper's department, and there is a kind of ring here by which that patronage is dispensed at the commencement of each Congress. I am satisfied that we have more folders than we need. I believe we do not need half of them. There are surplus places there where they put men in for certain purposes. I am not particularly interested in this matter. We of the South have no patronage here; it is all given to New York and Pennsylvania. We get no share of the patronage, and so are disinterested parties. I believe in dividing up the patronage. I believe that a committee of this House should appoint these men; but the Chair has ruled that an amendment of that nature would not be in order, because it would be new legislation, although he holds that it is not new legislation to provide that the Clerk shall have the control of this matter.

Now, sir, I wish to see these matters thoroughly investigated. If there is to be any such thing as fair dealing all around the House all its departments should be investigated, and the patronage ought to be cut down. It has grown to its present dimensions simply for the purpose of making places for men, and not because of any public necessity for it. The patronage of the Door-keeper's department has grown until it includes one hundred and thirty employes. I do not know how many the Clerk of the House has; but I will warrant you there are two or three times too many for the work required to be done. I hope the amendment of the gentleman from Maine will prevail; first, because it looks to economy; and, in the second place, because it looks to a division of the spoils.

Mr. BECK. I rise only to say a word. I am in the same happy condition, and so are all gentlemen on this side of the House, as the gentleman from Mississippi, [Mr. McKEE.] We have no interest in this patronage.

Mr. BUTLER, of Tennessee. You have not had a man turned out.

Mr. BECK. Not a man. I do not believe that Kentucky has a man employed around this Capitol, or in any of the Departments in Washington; if she has I do not know it.

Mr. McKEE. We will divide what we have with you, and give you half.

Mr. BECK. I rose to ask a question of the gentleman from Maine. Last year we appropriated \$100,000 for the folding-room. The franking privilege expired on the 1st of July, and therefore we have the full benefit this year of whatever saving we may obtain in the public printing. We have this session ordered no Agricultural Reports to be printed, and they caused the great bulk of the expense of printing. Certainly fewer speeches have been circulated than usual since we have had to pay postage on them ourselves. I desire to know if the Committee on Appropriations are able to present to the House an account of the expenditures of the folding-room for the current fiscal year, and tell us whether the \$100,000 has all been used, and, if so, how it has been used?

The CHAIRMAN. The Chair thinks debate is exhausted on the pending amendment.

Mr. BECK. The question I have asked might be answered; I have only spoken two minutes, and I was entitled to five. I yield to the gentleman from Maine [Mr. HALE] to answer my question.

Mr. HALE, of Maine. If the Chair will allow me, I will say, in reply to the gentleman from Kentucky, [Mr. BECK.] that the Committee on Appropriations was exercised on this very question. Believing that there ought to be a surplus, we had an examination made; and I will say here, what I did not say before, not being impelled by a direct question, that I for one believe, in view of the fact that the franking privilege has been abolished, that during the last months of the last vacation and during the months of December and January, many more men were kept in the folding-room than were needed. But we found it almost impossible to get these men discharged; and that is one reason why I believe in changing the conduct of the matter here. I cannot tell the exact figures, for I do not have them here; but my recollection is that the showing is that the fund was absorbed, though I do not make that as an accurate statement. But we do believe that there were too many men kept in the folding-room.

Mr. BECK. What was the difficulty in discharging them?

Mr. HALE, of Maine. I cannot tell.

Mr. BUTLER, of Tennessee. I will tell the gentleman from Kentucky [Mr. BECK] that they were kept there because of representations made by members to the Door-keeper that they should be retained. And the State of Maine has as many men there as any other State has.

Mr. BECK. Does the gentleman from Maine [Mr. HALE] think that \$30,000 will be enough for next year?

Mr. HALE, of Maine. I do.

Mr. BUFFINTON. The gentleman from Kentucky [Mr. BECK]

must be aware that the Forty-second Congress closed its session on the 4th of March of last year. From the 4th day of March, 1873, to the day of the meeting of the Forty-third Congress there was no one who had any control of the employes in the folding-room but the Door-keeper of the House of Representatives. There was no Committee on Accounts, no committee of any kind; for the House was not organized.

The CHAIRMAN. Debate upon the pending amendment is exhausted. The first question is upon the amendment of the gentleman from Minnesota, [Mr. DUNNELL,] to substitute "Door-keeper" for "Clerk" in the amendment of the gentleman from Maine, [Mr. HALE.]

Mr. DUNNELL. I will withdraw my amendment to the amendment if the gentleman from Illinois, [Mr. BURCHARD,] who desires to speak, will renew it.

The CHAIRMAN. That requires unanimous consent.

No objection was made, and the amendment to the amendment was withdrawn.

Mr. BURCHARD. I renew the amendment to the amendment. If this proposition is presented by the Committee on Appropriations in the interest of economy, I do not wish to antagonize it so far as the reduction of the amount is concerned. But the argument that has been made in favor of it does not appeal to me as a sufficient reason for supporting it.

In this very appropriation bill there is a recommendation that we appropriate \$240,000 for the Department of Agriculture; I believe that is the amount. We propose, therefore, to keep up that Department. As has been stated, by the order of the House the usual number, or sixteen hundred copies of the Agricultural Report, will be printed for the use of members and of a few other privileged persons. I for one believe that instead of printing that number of copies of that document at an expense of \$100 each, if we are to keep up the Agricultural Department we should print a proper number; and if we cannot send them free through the mails, if the Government is not willing that they should be so sent, then there should be some provision of law or appropriation made by which they can be sent to the people. Hence I believe it is necessary that that document should be printed, and that there should be a proper and necessary appropriation for the folding of that and other documents.

Now, if the Committee on Appropriations will say that they think that work can be done for less than \$50,000, I am willing to vote for a less sum. But I will not vote for \$30,000, or for even \$15,000, merely to enable the Clerk to take charge of these documents, and fold them for the benefit of members and a few other privileged persons. As to the question of who should have charge of this work, it having been from time immemorial in the charge of the Door-keeper of the House, he having charge of the folding-room and documents, I see no reason for changing it, and therefore I shall vote against that proposition.

Mr. RAINEY. I desire to make a correction for the information of the gentleman from Kentucky, [Mr. BECK.] He says that there is no one employed in or around this Capitol from the State of Kentucky. I desire to assure him that there is a man from the State of Kentucky in the employment of the Government here as a policeman. I give him that piece of information so that he may know that Kentucky is represented among the employes about this Capitol.

One other word. I am opposed to the amendment of the gentleman from Maine, [Mr. HALE,] and do not think it ought to be adopted. We elected and re-elected the present Door-keeper of the House because we had confidence in him and believed he would discharge the duties pertaining to his office faithfully and satisfactorily. I do not think we would now, in any factious spirit of opposition to him, by adopting any amendment, take out of his hands the duties we have hitherto confided to him and give them to any other officer of the House. I believe in dealing fairly with every officer of this House. I have no special favor to ask of the Door-keeper; and I do not know that he has ever conferred any special favor on me as a Representative; but I think it is due to him that he should be recognized in the capacity in which we have elected him, and should be allowed to continue the control of the officers now under his charge; that the control of these should not be transferred to the Clerk of the House. I object, therefore, to the amendment of the gentleman from Maine. I simply wanted to give this little piece of information to the gentleman from Kentucky.

Mr. BURCHARD. I withdraw the amendment to the amendment.

Mr. MYERS. I renew it. I believe it is generally known that the Clerk of the House hails from the State of Pennsylvania. I do not think he asks this additional burden, and no Pennsylvanian, so far as I know, asks it on his behalf. I wish to say further that although I have been here a good many years, there is no one at present in the employ of the Door-keeper upon my recommendation, though at one time I had one lad in his employ. Therefore, in advocating that this service may still be rendered under the direction of the Door-keeper of the House, I can have no object in the shape of patronage.

Now we should legislate here with some object in view. What is the object of this amendment? It is certainly not in the interest of economy, because the cost is the same one way or the other. But the amendment is to be followed up, (and that is the only reason I now address the committee,) it is to be followed up, as intimated by the gentleman from Maine [Mr. HALE] and the gentleman from Vermont, [Mr. WILLARD,] by an amendment reducing this appropria-

tion from \$50,000 to \$30,000. Now, what have the Committee on Appropriations been doing all these months? They have heard evidence on the various matters connected with this bill, and they come here expecting us to follow them. In the interest of economy, because we are not printing so many books as formerly and do not need so large a force in the folding-room, the Committee on Appropriations has reduced this appropriation from \$100,000 to \$50,000. Do they mean that or do they not? The gentleman from Maine, [Mr. HALE,] a member of the committee, who comes in here with a different view from that expressed by the committee in their bill, and faintly advocated by the chairman, [Mr. GARFIELD,] is willing to reduce the appropriation to \$30,000. Now, the committee must have reported this provision for \$50,000 either upon some state of facts or upon none. I take it the committee has sufficiently reduced the amount; that if gentlemen wish to vote in the interest of economy, they go far enough in that direction by voting for this reduction of \$50,000.

And let me say that though we appropriate \$50,000, it is not necessary that that amount shall be expended. If we shall order books printed, as I know we shall, as we are contemplating in this very bill, we shall need these folders; and we want men to be paid for what they do. If we do not order books printed, there may be no necessity for expending this whole appropriation of \$50,000. I say, therefore, that if the Committee on Appropriations have examined this subject and come to the conclusion expressed in the bill, they should stand by their bill if they expect members of the House to stand by it.

Mr. RANDALL. I rise to oppose the amendment *pro forma*. So far as I can understand, this amendment comes in here with the approval of the Committee on Appropriations, and without any protest whatever, so far as I have been able to learn, from the Committee on Accounts. It is in the direction of economy. The gentleman from Maine tells us that if his amendment be adopted we can then well afford to reduce the appropriation from \$50,000 to \$30,000. I hope, therefore, the House will sustain the Committee on Appropriations in the direction of economy.

Mr. WARD, of Illinois. I ask the gentleman from Pennsylvania [Mr. MYERS] to withdraw his amendment, that I may renew it.

Mr. MYERS. I withdraw the amendment.

Mr. WARD, of Illinois. I renew it. I desire to say a word or two in reference to this whole legislation. To my mind it is the most unsatisfactory legislation in which I ever had any part. The confusion grows "worse confounded" every moment. The astonishing statement was made a moment ago by a member of the Committee on Appropriations that a large percentage of employes about this Capitol were kept here unemployed during the last recess. We are now asked by the committee to make an appropriation of \$50,000, upon which the committee itself does not seem to be united. Statements have been made repeatedly by men who ought to know that the appropriation is much greater than it ought to be. Under such circumstances, Mr. Chairman, how can innocent gentlemen like myself, who are trying to do right, decide how to vote?

Charges are made (and I begin to think there is some basis for them) that there has been improper management in reference to the employes about this House. I look into this bill and I find that the salaries paid to employes about this Capitol are higher than the compensation for like services anywhere else on this broad continent; and there seem to be more of these employes than there can be any necessity for. Questions and appeals are addressed to the committee that reported the bill, and they are divided. In such a division, where, O where shall those go who desire to do exactly right on this question? Whom shall they follow? If that were a "parliamentary inquiry" I would put it to you, Mr. Chairman, and I know you would help me. I cannot understand the reasoning adopted upon these matters here. To the mind of an ordinary man it is incomprehensible how even \$10,000 can be necessary for folding the few documents that we expect to send off during the next year. Gentlemen tell us that for the use of the House sixteen hundred of all our documents are printed; but there are not fifty documents like the Agricultural Report; and how much apiece would it cost to fold them if we make the appropriation here proposed?

Now, this Committee on Appropriations, before it gets the vote of a single man upon this floor for any of these appropriations—and it will certainly not get mine until I have ample information, and I am making these observations now for the purpose of eliciting that information—I say that this committee ought not to get a single vote for any one of these propositions, and will not get mine, until they show the existing necessity for each one of them, and that they have reduced the number of employes and the amount of appropriation to the lowest point and reduced the salaries to the lowest figure. I voted like a man to take \$800 off my salary in voting for the bill abolishing the mileage system which was passed by the House this morning, and I am patriotic enough to apply the same kind of treatment to those who do not happen to be, as I am, a member on this floor. I am willing to say, in reference to every employe about the House connected with legislation, that I will deal fairly by all; but gentlemen who are the leaders of this House, skilled in the history of parliamentary matters, and who have gone through in detail with all the arguments of this bill, should be able to tell me plainly and distinctly, "We need so many men in that office; we need so many men in that room; and we ought to pay them so much." Until they do give us that information they will not get my vote, as I have already stated, although I do

not know that will make much difference, because I was not long in discovering while we make most tremendous professions here in the way of economy we do not perform worth a cent.

The CHAIRMAN. The gentleman's time has expired.

Several MEMBERS. Go on.

Mr. WARD, of Illinois. This morning I insisted on a division, and I pressed it even at the risk of being considered a little foolish, perhaps; but I did desire to see whether the men who are employed in service here would be declared to be worth infinitely more than men anywhere else in the country. I can go into my city and find just as good men as are employed in clerkships here—just as good as are employed in any place about this House of Representatives, and get them for 50 per cent. less than you pay them here. But you cannot go to my city and get a man to take a similar position there at the salary I am now coming here for. We have to work for no honor and get no pay.

Mr. LAMPORT. Let me ask the gentleman from Illinois whether the men in his city to whom he refers are the men who cried out for "bread or blood?"

Mr. WARD, of Illinois. I do not see the point of the gentleman's question. My constituents are willing to work, the people where I live are willing to work, for less pay than these men who are employed about this Capitol. I protest, I protest in the name of the very men he speaks of here as crying for "bread or blood" in my city. But of course there was no such cry; that is all in my eye.

Mr. LAMPORT. It was so reported in the papers.

Mr. WARD, of Illinois. I say I protest in their name against this discrimination here. There is no discrimination in our favor. The members on this floor do not get any pay above the average of men employed in the cities and towns from which they come. I protest against the discrimination in favor of the employes of this House and against those employed in important services elsewhere. I protest against being asked to vote for a bill making appropriations in reference to which charges have been made by my political opponents that there are embraced in them things which are all wrong; and until the chairman and the members of the Committee on Appropriations agree among themselves to point out the existing necessity for these appropriations, and as to the number of these employes and the amount to be paid, I shall vote against them.

Mr. GARFIELD. I sympathize deeply with my friends in the West, but I do not know there is balm in any Gilead for them. The Committee on Appropriations have had no divisions on this point, nor have I seen any sign of any division on the general question. That committee brought in the bill, and as far as we have gone have reduced appropriations. The appropriation for the employes of our own House has been cut down. We have taken from our own salaries \$750,000. That has been already passed. To-day by an overwhelming vote we have cut off, if the bill should become a law, \$130,000 in the way of mileage. In addition we have just now on the whole subject of the employes of this House, other than the members, made a reduction of \$347,170 less than the same officers received last year, and less by \$183,193 than the estimate for this year. Still the gentleman is not happy; still the gentleman thinks there is trouble in the camp and difficulty in the Committee on Appropriations.

On the very subject now before the committee on which the House and the Senate have appropriated \$100,000 a year for the last three years the Committee on Appropriations have gone over it carefully and cut it down to \$50,000 instead of \$100,000 and have recommended no other sum, except one member of the committee who thought it possible we might not need all that. We thought it was wiser to appropriate enough against uncertain contingencies and as to what amount of printing would be ordered, rather than be compelled to bring in a deficiency bill hereafter.

That is all there is about the merits of the vote. The question of consolidating the two organizations of folding-rooms into one is a very plain business proposition. The committee, as a committee, did not make it, for the simple reason that it would have been ruled out of order if the point of order was made on it. But we saw that the spirit of the Committee of the Whole was in favor of something like that, and my colleague on the committee, the gentleman from Maine, very properly offered a proposition to consolidate. We do not care whether the consolidation is under the Door-keeper or under the Clerk. But to have it under one head instead of two is wise and economical. I hope we shall have a vote in favor of the consolidation.

Mr. WARD, of Illinois. In saying "we have reduced our own salaries and cut off the mileage," does the gentleman mean to say "we," the Committee on Appropriations, in this bill?

Mr. GARFIELD. I was speaking of a wider "we;" I mean we, this Congress.

The CHAIRMAN. Debate is exhausted on the pending amendments. The Clerk will again report the amendment offered by the gentleman from Maine, [Mr. HALE.]

The Clerk read as follows:

In line 177, after the word "dollars" add the following:

Provided, That after the 30th of June, 1874, all the folding of the House shall be done through the Clerk of the House, and the two folding-rooms now existing shall be united under that officer.

The CHAIRMAN. The gentleman from Illinois [Mr. WARD] renews the amendment of the gentleman from Minnesota, [Mr. DUNNELL,] to amend the amendment of the gentleman from Maine by striking

out the word "Clerk" and inserting in lieu thereof the word "Door-keeper." The question will be first on the amendment of the gentleman from Illinois.

Mr. COBB, of Kansas. I desire to ask a question. Would the amendment to the amendment make the law exactly as it now is by placing these services under the charge of the Door-keeper?

Mr. GARFIELD. No; it consolidates under one officer services which are now under the control of two officers.

Mr. MYERS. As I understand it, these rooms are now under the charge of the Door-keeper and one under the charge of the Clerk. The proposition of the gentleman from Illinois would put both under the Door-keeper, while that of the gentleman from Maine would put both under the Clerk.

The CHAIRMAN. The gentleman from Pennsylvania has stated correctly the effect of the amendments.

The question being taken on the amendment to the amendment, there were—ayes 70, noes 51; no quorum voting.

Mr. COBB, of Kansas, called for tellers.

The Chair ordered tellers; and appointed Mr. WARD of Illinois and Mr. HALE of Maine.

The committee again divided; and the tellers reported—ayes 75, noes 73.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Maine [Mr. HALE] as amended by the amendment of the gentleman from Illinois, [Mr. WARD.]

The question being taken, there were—ayes 32, noes 83; no quorum voting.

The Chair ordered tellers; and appointed Mr. HOLMAN and Mr. HALE of Maine.

Mr. HAZELTON, of Wisconsin. I desire to make a parliamentary inquiry. If this amendment is lost does it leave the law precisely as it is at present?

The CHAIRMAN. It does.

Mr. HALE, of Maine. I do not myself call for a further count.

Mr. HOLMAN. I insist on a further count. And I ask that the amendment as amended be again read.

The amendment as amended was again read.

Mr. POTTER. I desire to call the attention of the Chair to the fact that since the amendment of the gentleman from Maine [Mr. HALE] has been amended, the gentleman from Maine has become opposed to his own amendment, or else the tellers are both on the same side.

The committee again divided; and the tellers reported—ayes 51, noes 75.

Mr. HOLMAN. I do not insist on a further count.

So the amendment as amended was not agreed to.

Mr. WILLARD, of Vermont. I now renew my amendment to strike out "\$50,000" and insert "\$30,000;" so it will read, "for folding documents, including pay of folders in the folding-rooms and materials, \$30,000."

Mr. RANDALL. I move to amend the amendment of the gentleman from Vermont by making the amount \$25,000.

Mr. WILLARD, of Vermont. I desire just to say in one word that the appropriation for this service in 1860 was \$30,000, and that in 1866 it was \$30,000. I have selected these two years, one being before and the other after the war.

Mr. RANDALL. The gentleman should remember that that was under the franking privilege, and now we have none.

Mr. SOUTHARD. I move to amend by making the amount \$15,000.

The CHAIRMAN. Only one amendment to the amendment can be received.

Mr. RANDALL. I accept the amendment of the gentleman from Ohio, [Mr. SOUTHARD.]

The question being taken on Mr. RANDALL's amendment as modified, making the amount \$15,000, it was not agreed to.

Mr. RANDALL. I now renew my amendment to the amendment to make the amount \$25,000.

The question being taken on Mr. RANDALL's amendment to the amendment, there were—ayes 59, noes 61; no quorum voting.

The Chair ordered tellers; and appointed Mr. MYERS and Mr. RANDALL.

Mr. COBB, of Kansas. I make the point of order, that the Chair has announced the number of members who have voted on either side, and that one-fifth of a quorum of this House has not asked for tellers.

Mr. RANDALL. No quorum has voted.

The CHAIRMAN. Does the gentleman from Kansas desire further reply than has been given by the gentleman from Pennsylvania?

The committee again divided; and the tellers reported—ayes 69, noes 47.

Mr. MYERS. I do not insist on a further count.

So Mr. RANDALL's amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Vermont as amended, the amount of \$25,000 having been inserted.

The question being taken; there were—ayes 81, noes 45.

So the amendment, as amended, was adopted.

Mr. WADDELL. I move that the committee do now rise.

Mr. GARFIELD. O, no; let us go on a little longer, and then I will move that the committee rise.

Mr. WADDELL. I withdraw my motion.

Mr. MCKEE. I move to insert after the paragraph ending on line 177, providing for the folding of documents, including pay of folders, &c., the following proviso:

Provided, That no part of this appropriation shall be used in paying over twenty folders.

Mr. HOSKINS. I rise to a point of order; I submit that that amendment is liable to the objection that it changes existing laws.

The CHAIRMAN. The amendment, as offered by the gentleman from Mississippi, is in the nature of a limitation upon the appropriation. The Chair thinks that it is in order, and overrules the point of order raised by the gentleman from New York, [Mr. HOSKINS.]

Mr. MCKEE. I desire to state in a few words the reason why I offer this amendment. We cannot be economical, neither can the Door-keeper be economical, so long as everybody wants to put John Jones, or Tom Smith, or Dick Somebody, into the folding-room. The trouble with the folding-room is that it has been made a refuge for men who want places and have not been able to get them elsewhere. When a member cannot get a man a consulship he sends him into the folding-room; when he cannot get a man appointed minister to Mexico, he sets him to work folding documents here.

Now, sir, I am opposed to this thing of providing places here for men who are desirous of serving Uncle Sam, and I think we had better restrict the number of folders to twenty.

Mr. WARD, of Illinois. Does the gentleman know how many are now employed?

Mr. MCKEE. There are now employed under the name of folders—I do not know how many are employed under other names—fifty-six persons. Now that is about one folder to every three or four Congressmen. We must keep them very busy. I do not know what they are doing down there; but I tell you that it is not necessary that we should have so many. Gentlemen near me say that if I will sit down they will carry my amendment, so I will say no more.

The question was taken on Mr. MCKEE's amendment; and on a division there were ayes 82, noes not counted.

So the amendment was agreed to.

Mr. BUTLER, of Tennessee. I move to amend by adding to the amendment just adopted the following:

That the twenty folders shall be from Maine and Mississippi.

Mr. SPEER. I make the point of order that that changes existing law.

Mr. MCKEE. I move to amend the amendment by striking out "Maine."

Mr. PARKER, of Missouri. What existing law does the amendment of the gentleman from Tennessee change?

Mr. SPEER. There is no existing law requiring them to be appointed from those two States, although the fact may be that they are.

The CHAIRMAN. The point of order raised by the gentleman from Pennsylvania is not well taken.

Mr. HOSKINS. I move as an amendment to the amendment to strike out "Maine and Mississippi," and insert in lieu thereof "the district represented by the gentleman from Mississippi, [Mr. MCKEE.]"

Mr. SENER. There is already an amendment to the amendment pending.

Mr. MCKEE. I will accept the amendment of the gentleman from New York.

Mr. STARKWEATHER. I hope these frivolous proceedings will go no further. Let us get on with the bill.

The CHAIRMAN. Does the gentleman from New York [Mr. HOSKINS] insist on his amendment to the amendment?

Mr. HOSKINS. No, sir.

Mr. BUTLER, of Tennessee. I withdraw my amendment.

The Clerk proceeded with the reading of the bill, and read as follows:

For packing-boxes, \$3,020.

Mr. COBB, of Kansas. I move to strike out that clause. We have started this morning for purposes of economy. We have repealed the law providing for mileage for members. Now, I am told—as a new member I know nothing at all about it—that when the session closes we all have little boxes made down-stairs here, and this appropriation of \$3,020 is to pay for them.

A MEMBER. Each member has three boxes.

Mr. COBB, of Kansas. So far as I am concerned, I did not come here for the purpose of being put in a box; I do not desire to go home in a box; in fact, if possible, I want to go home about the same way I came, and I should like very well to draw mileage if it were possible. But, inasmuch as we are economical, and have to-day been voting for the purpose of cutting down the pay of the one-armed soldiers around this Capitol, and have for the most part in fact cut down the pay of the employes of this House, let us now go right to the root of the matter and cut down our own compensation where we have an opportunity to do it.

So far as I am concerned, as a member of this House I want the people to know distinctly every dollar of money that I draw as a member; and I do not propose to have boxes charged against me by the

people of my district as a part of the perquisites I have received as a member of Congress. I hope the House will strike out this appropriation, for the same reason that we have voted to cut off mileage this morning and that we voted to reduce our salaries, for the reason that every Congressman is receiving a great deal more money than he ought to have.

Mr. CRITTENDEN. I would ask the gentleman if he has yet got his boxes?

Mr. COBB, of Kansas. No; and I do not want any boxes.

The question was taken on the amendment offered by Mr. COBB, of Kansas; and there were—ayes 47, noes 73; no quorum voting.

The CHAIRMAN put the question on ordering tellers; and only 8 members voted therefor.

The CHAIRMAN. The gentleman from Kansas raised the point of order that tellers could not be ordered unless one-fifth of a quorum voted therefor. Tellers, therefore, are not ordered; and the amendment is disagreed to.

Mr. COBB, of Kansas. I rise to a question of order.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. COBB, of Kansas. I rise to a question of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. COBB, of Kansas. It is that a quorum did not vote.

The CHAIRMAN. The point of order, if made in time, would have been well taken. The Clerk will continue the reading.

Mr. COBB, of Kansas, (standing in the middle aisle in front of the Clerk's desk.) I raise the point of order—

Mr. PLATT, of Virginia. I make the point of order that the gentleman from Kansas [Mr. COBB] must address the Chair from his own seat.

The CHAIRMAN. The point of order of the gentleman from Virginia [Mr. PLATT] is well taken. The gentleman from Kansas [Mr. COBB] will please resume his seat.

Mr. COBB, of Kansas. I raise the point of order—

The CHAIRMAN. The gentleman will please resume his place.

Mr. COBB, of Kansas, returned to his seat.

Mr. RICE. I move that the committee rise.

Mr. HALE, of New York. I make the point of order that the gentleman from Kansas [Mr. COBB] has a right to speak in front of the Clerk's desk.

The CHAIRMAN. That point of order is well taken; but the gentleman from Kansas was in the middle aisle, some fifteen feet from the Clerk's desk.

Mr. WARD, of Illinois. I desire to say with reference to the gentleman from Kansas—

Mr. COBB, of Kansas, (from his seat.) I ask consent of the committee—

Mr. MYERS. I think the gentleman from Kansas should be allowed an opportunity to be heard.

Mr. WARD, of Illinois. And he will get it.

The CHAIRMAN. The gentleman from Kansas asks consent to be heard.

Mr. COBB, of Kansas. It is a question of but little importance to me as an individual; but it is of some importance to this House. I desired to raise the point of order that a quorum did not vote upon my amendment, and that the Chair, by his hasty way of refusing tellers, gave me no opportunity to call for them. I now desire to call for tellers upon my amendment, for the purpose of vindicating my right and that of every other member of this committee to be heard, and to have any amendment he may submit fairly tested.

The CHAIRMAN. The committee will bear witness that the Chair has taken exceeding pains to be not only courteous but impartial toward every member of this committee. Before the point of order was raised the count had been announced by the Chair, the Clerk had been directed to proceed with the reading, a gentleman had risen to move an amendment to the succeeding paragraph, and had been recognized by the Chair. With entire courtesy toward the gentleman from Kansas [Mr. COBB] and toward all the committee the Chair has simply desired to expedite the business of this committee, as seemed to be the wish of members. The Clerk will continue the reading.

Mr. GARFIELD. I move that the committee now rise.

Mr. HALE, of New York. I rise to a question of order. My question of order is that at the moment the Chair announced the result of the vote the gentleman from Kansas was on his feet, manifestly seeking to call for tellers.

Mr. McNULTA. That is clearly so.

Mr. HOLMAN. It seems to me that the gentleman from Kansas should certainly have the benefit of the ordinary rules of the House in testing the sense of the committee upon his amendment.

The CHAIRMAN. The Chair had not, and could not have, the slightest inclination to prevent any count that might be desired. If the members of the committee desire to have a count by tellers—

Mr. GARFIELD. I ask that the count be taken by tellers, and then I will move that the committee rise.

Mr. HALE, of New York. I rise to another question of order. It is that, according to the vote as announced by the Chair, there was no quorum voting. It was, therefore, the duty of the Chair, under the rule and without any requirement on the part of the committee, to appoint tellers and order the vote to be taken by them.

The CHAIRMAN. The Chair will refer to the record and ascertain whether a quorum voted or not. The fact is that so much noise was made at the time that it was impossible for the Chair to tell whether a quorum voted or not. The Clerk will refer to the record and inform the Chair whether there was or not a quorum voting.

Mr. GARFIELD. The question turns upon whether a further count is asked; not upon whether a quorum voted or not.

The CHAIRMAN. The clerk who has the record of the vote has left the Hall. The Chair, however, is willing to accept the statement of gentlemen that a quorum did not vote, and will take the sense of of the committee upon ordering tellers.

Mr. HALE, of New York. I raise the point of order that it is not competent for the Chair to take the sense of the committee upon ordering tellers, but it is the duty of the Chair under the rule to order tellers.

Mr. KELLOGG. I rise to a question of order.

Mr. HALE, of New York. Can a second question of order be entertained until the one I have raised has been disposed of?

The CHAIRMAN. The Chair does not know whether a quorum voted or not.

Mr. HALE, of New York. I understood the Chair to state that he would accept the statement of any gentleman to that effect. I make the statement that a quorum did not vote.

The CHAIRMAN. The Chair accepts the statement of the gentleman, and will order tellers. The gentleman from Kansas, Mr. COBB, and the gentleman from New York, Mr. HALE, will act as tellers. [After a pause.] The record has been brought to the attention of the Chair, showing that a quorum did not vote on the amendment of the gentleman from Kansas. It is therefore the duty of the Chair to order tellers, which he has done, and they will take their places.

The committee proceeded to vote; and the tellers reported that there were—ayes 62, noes 71; no quorum voting.

Mr. COBB, of Kansas, (one of the tellers.) I do not ask for a further count.

The CHAIRMAN. The committee has seemed to be desirous of taking the vote by tellers, and the Chair will insist upon the vote being so taken. If no quorum shall vote the Chair will direct the roll to be called, and report the absentees to the House.

The count was completed; and the tellers reported that there were—ayes 71, noes 81.

So the amendment was not adopted.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

DWIGHT J. McCANN.

Mr. BUTLER, of Tennessee, from the Committee on Indian Affairs, by unanimous consent, reported back the bill (H. R. No. 2039) for the relief of Dwight J. McCann; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARCHER: The memorial of the Yearly Meeting of the Society of Friends, held at Lombard street, Baltimore, asking that the death penalty for crime may be changed to imprisonment at labor for a term of years, or for life, to the Committee on the Judiciary.

Also, the petition of the Forest Farmers' Club of Maryland, in relation to intoxicating liquors, to the Committee on the Judiciary.

By Mr. CHAFFEE: The petition of Chambers C. Davis and 44 others, of Denver, Colorado, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. CROOKE: The petition of J. D. Hanning and 409 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. DUELL: The petition of T. J. Chaffee and 77 others, of similar import, to the same committee.

By Mr. FIELD: The petition of Alfred Chesebrough and Rufus W. Gillett of Detroit, Michigan, that the name of the schooner China may be changed to Canton, to the Committee on Commerce.

By Mr. HYDE: A paper for a post-route from Trenton to Wintersville, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. KASSON: The memorial of Charles Francis Adams, James T. Fields, and other citizens of Massachusetts, relative to reforms in the system of weights and measures, to the Committee on Coinage, Weights, and Measures.

Also, the memorial of President Barnard and other scientific citizens, of similar import, to the same committee.

Also, the memorial of Robert C. Winthrop and others, of similar import, to the same committee.

Also, the memorial of Professor Eggleston and other scientists, of New York, of similar import, to the same committee.

Also, the memorial of President Jackson, of Trinity College, Connecticut, and others, of similar import, to the same committee.

Also, the memorial of professors of Trinity College, of similar import, to the same committee.

By Mr. KELLEY: The petition of the Zoological Society of Philadelphia, that collections of animals, &c., for said society may be imported free of duty, to the Committee on Ways and Means.

By Mr. McCRARY: The petition of Daniel Carter, for a pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Indiana: The petition of 68 citizens of Franklin County, Missouri, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 29 citizens of Vigo County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Vermilion County, Illinois, of similar import, to the same committee.

Also, the petition of 14 citizens of Lancaster County, Nebraska, of similar import, to the same committee.

Also, the petition of 15 citizens of Montgomery County, Maryland, of similar import, to the same committee.

Also, the petition of 10 citizens of Monroe County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 30 citizens of Woodford County, Kentucky, of similar import, to the same committee.

Also, the petition of 18 citizens of Mercer County, New Jersey, of similar import, to the same committee.

Also, the petition of 22 citizens of Racine County, Wisconsin, of similar import, to the same committee.

Also, the petition of 22 citizens of Marshall County, Illinois, of similar import, to the same committee.

Also, the petition of 27 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of Medina County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Benton County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Granville County, North Carolina, of similar import, to the same committee.

Also, the petition of 18 citizens of Saline County, Kansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Atchison County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Mitchell County, Kansas, of similar import, to the same committee.

Also, the petition of 11 citizens of Coffey County, Kansas, of similar import, to the same committee.

Also, the petition of 9 citizens of Cass County, Illinois, of similar import, to the same committee.

Also, the petition of 23 citizens of Spencer County, Illinois, of similar import, to the same committee.

Also, the petition of 16 citizens of Hancock County, Indiana, of similar import, to the same committee.

Also, the petition of 31 citizens of Wayne County, New York, of similar import, to the same committee.

Also, the petition of 9 citizens of Hillsborough County, New Hampshire, of similar import, to the same committee.

Also, the petition of 13 citizens of Warrick County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Warren County, Ohio, of similar import, to the same committee.

Also, the petition of 18 citizens of Bourbon County, Kansas, of similar import, to the same committee.

Also, the petition of 130 citizens of Boone County, Missouri, of similar import, to the same committee.

Also, the petition of 43 citizens of Will County, Illinois, of similar import, to the same committee.

Also, the petition of 27 citizens of Clayton County, Georgia, of similar import, to the same committee.

Also, the petition of 22 citizens of Howard County, Maryland, of similar import, to the same committee.

Also, the petition of 20 citizens of Hickman County, Kentucky, of similar import, to the same committee.

Also, the petition of 22 citizens of Jefferson County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of McDougal County, Illinois, of similar import, to the same committee.

Also, the petition of 67 citizens of Knox County, Illinois, of similar import, to the same committee.

Also, the petition of 26 citizens of Jefferson County, Kansas, of similar import, to the same committee.

Also, the petition of 14 citizens of Shelby County, Ohio, of similar import, to the same committee.

Also, the petition of 20 citizens of Frederick County, Virginia, of similar import, to the same committee.

Also, the petition of 13 citizens of Cocke County, Tennessee, of similar import, to the same committee.

Also, the petition of 16 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 25 citizens of Pike County, Mississippi, of similar import, to the same committee.

Also, the petition of 7 citizens of Randolph County, North Carolina, of similar import, to the same committee.

Also, the petition of 42 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Saint Joseph County, Iowa, of similar import, to the same committee.

Also, the petition of 28 citizens of Pickens County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Huntington County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 24 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 25 citizens of Darke County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Lee County, Mississippi, of similar import, to the same committee.

Also, the petition of 19 citizens of Buchanan County, Iowa, of similar import, to the same committee.

Also, the petition of 14 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Cass County, Indiana, of similar import, to the same committee.

Also, the petition of 27 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 28 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Woodson County, Kansas, of similar import, to the same committee.

Also, the petition of 19 citizens of El Dorado County, California, of similar import, to the same committee.

Also, the petition of 23 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Bourbon County, Kentucky, of similar import, to the same committee.

Also, the petition of 19 citizens of Reno County, Kansas, of similar import, to the same committee.

Also, the petition of 23 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Franklin County, Iowa, of similar import, to the same committee.

Also, the petition of 17 citizens of Piatt County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Prince George's County, Maryland, of similar import, to the same committee.

By Mr. STRAIT: The petition of citizens of Minnesota, for a post-route from Marshall, Minnesota, to Lake Kampeska, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: The memorial of Robert K. Scott, of South Carolina, in relation to charges made against him, to the Committee on the Judiciary.

By Mr. —: The petition of citizens of Alta City and Salt Lake County, Utah, for grant of right of way for a toll-road in Little Cottonwood County, Utah, to the Committee on the Public Lands.

IN SENATE.

THURSDAY, April 16, 1874.

Prayer by the Rev. THOMAS GALLAUDET, D. D., of New York.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions from the industrial congress of the United States, in the form of a memorial, signed by its president and secretary. As the paper is short, the Chair will read it:

The following resolutions were unanimously passed by the industrial congress of the United States:

Resolved, That the industrial congress of the United States, representing the interests of the producing classes, hereby enters its protest against the extension of the currency issued by or through the influence of the national banking system, believing it to be the robber of labor and the sum of all villainies.

Resolved, That we demand the issue of a circulating medium issued directly by the Government to the people, the same to be a legal tender for debts public and